

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4613. By Mr. BATES: Petition of the Republican City Committee of Haverhill, Mass., seeking a congressional investigation of the steadily deteriorating shoe industry of Haverhill that has been largely brought about by imported shoes; also, of the effects of imports under trade agreements on all New England industries, and demanding that a solution to the consequent unemployment problem be found and proper action taken to effect the same; to the Committee on Foreign Affairs.

4614. By Mr. CULKIN: Petition of the State of New York, on motion of Senator Pitcher, requesting the Congress to enact and submit to the several States for ratification an amendment to the Constitution of the United States which will remove existing exemptions from taxation or personal income derived from any salary, wage, or emolument paid by the United States or any unit or agency of government within the United States; to the Committee on Ways and Means.

4615. Also, petition of the Senate of the State of New York, upon motion of Senator Pitcher, requesting the Congress to enact and submit to the several States for ratification an amendment to the Constitution of the United States which will permit the taxation of income derived from securities thereafter issued by the United States or any unit or agency of government within the United States; to the Committee on Ways and Means.

4616. Also, petition of the Association of Highway Officials of the North Atlantic States, A. Lee Grover, Trenton, N. J., secretary and treasurer, urging that in the consideration of arterial transcontinental highways the Congress first consider a highway between Washington, D. C., and Boston, Mass.; that the planning of such highways be invested in the Bureau of Public Roads, Department of Agriculture; to the Committee on Roads.

4617. Also, petition of the Jefferson County Petroleum Industries Committee, W. A. Fox, Watertown, N. Y., chairman, urging that the Congress eliminate Federal taxes on gasoline and lubricating oil, and other motorist taxes; to the Committee on Ways and Means.

4618. Also, petition of the Lewis County Petroleum Industries Committee, H. C. Brown, president, Lowville, N. Y., urging that the Congress eliminate Federal taxes on gasoline and lubricating oil and other motorist taxes; to the Committee on Ways and Means.

4619. By Mr. FORAND: Petition of the General Assembly of the State of Rhode Island, memorializing Congress with relation to Rhode Island's attitude upon the matter of the Vinson naval expansion bill, so-called, namely, House bill 9218; to the Committee on Naval Affairs.

4620. By Mr. FULMER: Resolution of the National Furniture Warehousemen's Association and Allied Van Lines, Inc., in joint national convention assembled at Santa Barbara, Calif., this 27th day of January 1938, endorsing the principles and aims of the Social Security Act, favoring the abandonment of the full reserve system, and recommending the substitution of a contingent reserve on a pay-as-you-go basis; to the Committee on Ways and Means.

4621. By Mr. KENNEDY of New York: Petition of the American Committee for Defense of Lithuania, concerning the recent international events, specifically the Polish-Lithuanian developments; to the Committee on Foreign Affairs.

4622. Also, petition of the Engineers' Speaking Society of New York City, concerning the reorganization bill; to the Committee on Government Organization.

4623. Also, petition of the Hayward-Schuster Co., New York City, concerning the Federal reorganization bill; to the Committee on Government Organization.

4624. By Mr. KEOGH: Petition of William H. Strang Warehouses, Inc., Brooklyn, N. Y., concerning the Federal reor-

ganization legislation; to the Committee on Government Organization.

4625. Also, petition of the American Lecithin Co., Inc., Elmhurst, Long Island, N. Y., concerning House bill 9259, to provide for compulsory licensing of patents; to the Committee on Patents.

4626. By Mr. LAMNECK: Petition of James D. Caldwell and other members of the Ohio Federation of Post Office Clerks, of Columbus, Ohio, endorsing the Luecke seniority bill (H. R. 3415); to the Committee on the Post Office and Post Roads.

4627. By Mr. LEAVY: Resolution adopted by the Douglas County (Wash.) Central Democratic Committee, and signed by officers of that organization, officers of the county, and a number of other prominent Democrats, reviewing the numerous tasks successively undertaken by the present administration to bring order out of the chaos existing at the time it assumed control of the Government; scoring the obstructionist tactics of reactionary Democratic leaders in both openly and furtively opposing the duly chosen administration in a time of dire national stress and calling upon the Democracy of the State to give no heed to the false leaders who would now embarrass and destroy the great humanitarian program of recovery, but rather for all county and State administrations to stand solidly behind the President and the national administration for support of our national defense; promotion of the general welfare; establishment of domestic tranquillity and social progress; to the Committee on Ways and Means.

4628. By Mr. O'CONNELL of Rhode Island: Memorial of the General Assembly of Rhode Island, in relation to House bill 9218; to the Committee on Naval Affairs.

4629. By Mr. PFEIFER: Petition of the American Lecithin Co., Inc., Elmhurst, Long Island, N. Y., concerning the Federal licensing bill (H. R. 9259); to the Committee on Patents.

4630. Also petition of William H. Strang Warehouses, Inc., Brooklyn, N. Y., concerning the Government reorganization bill; to the Committee on Government Organization.

4631. By Mr. RICH: Petition of citizens of Kane, Pa., protesting against the passage of Senate bill 2970, known as the reorganization bill; to the Committee on Government Organization.

4632. By the SPEAKER: Resolution unanimously adopted at a meeting of American citizens of Lithuanian descent, concerning the current Polish-Lithuanian incident; to the Committee on Foreign Affairs.

SENATE

FRIDAY, MARCH 25, 1938

(Legislative day of Wednesday, January 5, 1938)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Thursday, March 24, 1938, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Bridges	Connally	Gillette
Andrews	Brown, Mich.	Copeland	Glass
Ashurst	Brown, N. H.	Davis	Green
Austin	Bulkeley	Dieterich	Guffey
Bailey	Bulow	Donahay	Hale
Bankhead	Burke	Duffy	Harrison
Barkley	Byrnes	Ellender	Hatch
Berry	Capper	Frazier	Hayden
Bilbo	Caraway	George	Herring
Bone	Chavez	Gerry	Hill
Borah	Clark	Gibson	Hitchcock

Holt	McAdoo	Nye	Shipstead
Hughes	McGill	O'Mahoney	Smathers
Johnson, Calif.	McKellar	Overton	Smith
Johnson, Colo.	McNary	Pittman	Thomas, Okla.
King	Maloney	Pope	Thomas, Utah
La Follette	Miller	Radcliffe	Townsend
Lee	Milton	Reames	Tydings
Lodge	Minton	Reynolds	Vandenberg
Logan	Murray	Schwartz	Wagner
Loneragan	Neely	Schwellenbach	Walsh
Lundeen	Norris	Sheppard	Wheeler

Mr. MINTON. I announce that the Senator from Virginia [Mr. BYRD], the Senator from Illinois [Mr. LEWIS], the Senator from Florida [Mr. PEPPER], the Senator from Missouri [Mr. TRUMAN], and the Senator from Indiana [Mr. VAN NUYS] are detained from the Senate on important public business.

The Senator from Nevada [Mr. McCARRAN] and the Senator from Georgia [Mr. RUSSELL] are detained in their respective States on official business.

The VICE PRESIDENT. Eighty-eight Senators have answered to their names. A quorum is present.

REPORT OF BOY SCOUTS OF AMERICA

The VICE PRESIDENT laid before the Senate a letter from the Chief Scout Executive of the Boy Scouts of America, transmitting, pursuant to law, the twenty-eighth annual report of the Boy Scouts of America, which, with the accompanying report, was referred to the Committee on Education and Labor.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following concurrent resolution of the Legislature of the State of New York, which was referred to the Committee on Immigration:

Whereas there has been introduced in the Congress of the United States a bill known and distinguished as H. R. 3679, which has for its purpose the restriction of habitual commuting of aliens from foreign contiguous territory to engage in skilled or unskilled daily labor or employment in continental United States; and

Whereas the conditions which this bill seeks to remedy are of vital importance to the laboring element and taxpayers in this State and materially affect the widespread unemployment conditions in the border communities of this State; and

Whereas said resolution has passed the House of Representatives of the Congress of the United States and is now pending before the Immigration and Naturalization Committee of the Senate: Now, therefore, be it

Resolved (if the senate concur), That the Senate of the United States be, and hereby is, respectfully memorialized to pass such bill at the earliest possible moment. That a copy of this resolution be transmitted to the Secretary of the Senate of the United States and to the two Senators representing New York State in said body.

The VICE PRESIDENT also laid before the Senate a joint resolution of the Legislature of the State of California, which was referred to the Committee on Finance:

Assembly joint resolution relative to memorializing Congress concerning the tariff on tungsten and tungsten products

Whereas negotiations have been undertaken by the Department of State of the United States Government for the purpose of making a reciprocal-trade treaty with Great Britain, her dominions and colonies; and

Whereas the proposed reciprocal-trade treaty with Great Britain, her dominions and colonies, intends to reduce the tariff upon tungsten and tungsten products; and

Whereas the mining industry of California is in an orderly manner developing tungsten properties in this State; and

Whereas the development of these properties will place the United States in a better position to furnish tungsten and tungsten products so vitally necessary for national defense; and

Whereas the development of these properties and other mining properties in connection therewith will employ citizens of this State now being supported by public relief at the expense of the taxpayers; and

Whereas industrial plants for the processing, smelting, and refining of tungsten ores are hesitant to continue their rapid production and expansion, due to the proposed reciprocal-trade treaty: Now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Congress of the United States is hereby requested to permit no reduction in the existing tariff rates on tungsten and tungsten products in this proposed reciprocal-trade treaty with Great Britain, her dominions and colonies; and be it further

Resolved, That the secretary of state of the State of California is hereby requested to transmit copies of this resolution to the President of the United States, to the President of the Senate, and to the Speaker of the House of Representatives, and to each Senator and Member of the House of Representatives from California in

the Congress of the United States, and that such Senators and Members from California are hereby respectfully urged to support such legislation.

The VICE PRESIDENT also laid before the Senate a resolution adopted by the City Council of the City of Lansing, Mich., favoring the enactment of legislation to extend the provisions of the W. P. A. program so as to absorb border-line cases, which was referred to the Committee on Education and Labor.

He also laid before the Senate a resolution adopted by the Common Council of the City of Milwaukee, Wis., protesting against the enactment of legislation imposing a tax on fuel oil, which was referred to the Committee on Finance.

He also laid before the Senate resolutions adopted by B. S. & A. U. Local, No. 16, United Office and Professional Workers of America (C. I. O.), favoring the enactment of the joint resolution (S. J. Res. 127) memorializing the Honorable Frank F. Merriam, Governor of the State of California, to grant to Thomas J. Mooney a full and complete pardon, which were referred to the Committee on the Judiciary.

He also laid before the Senate a petition of sundry citizens of the States of Tennessee, Kentucky, South Carolina, North Carolina, and West Virginia praying for the enactment of legislation to increase the pay and compensation schedules of the personnel of the Regular Army, which was referred to the Committee on Military Affairs.

Mr. LODGE presented a memorial of sundry citizens of Boston, Mass., remonstrating against the enactment of the bill (S. 3331) to provide for reorganizing agencies of the Government, extending the classified civil service, establishing a General Auditing Office and a Department of Welfare, and for other purposes, which was ordered to lie on the table.

Mr. GREEN presented the following resolution of the General Assembly of the State of Rhode Island, which was referred to the Committee on Naval Affairs:

Resolution memorializing Congress with relation to Rhode Island's attitude upon the matter of the Vinson naval-expansion bill, so-called, namely, H. R. 9218.

Whereas there is now pending in Congress the Vinson naval-expansion bill, so-called, namely H. R. 9218, a measure which, in the light of the tremendous Navy building in other countries, shows determination upon the part of the Chief Executive and the administration to meet the demand for national defense in a most tangible way: Now, therefore, be it

Resolved, That the members of the General Assembly of Rhode Island heartily approve the policy of the Federal Government as evidenced in the Vinson Navy expansion bill (H. R. 9218) now pending in Congress; and the secretary of state is hereby authorized and directed to transmit a duly certified copy of this resolution to the Senators and Representatives from Rhode Island in Congress urging them to use every effort to have this administration measure made law, followed by an immediate expansion of the Navy building program.

REPORTS OF COMMITTEES

Mr. ADAMS, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 3681) to amend section 35 of an act entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain", approved February 25, 1920 (41 Stat. 437), as amended, and for other purposes, reported it without amendment and submitted a report (No. 1544) thereon.

Mr. BULOW, from the Committee on Civil Service, to which was referred the bill (S. 3525) to amend the act entitled "An act to extend the benefits of the Civil Service Retirement Act of May 29, 1930, as amended, to certain employees in the legislative and judicial branches of the Government", approved July 13, 1937, reported it without amendment and submitted a report (No. 1545) thereon.

Mr. BYRNES, from the Select Committee on Government Organization, to which was referred the bill (H. R. 8202) to provide for the reorganization of agencies of the Government, to establish the Department of Welfare, and for other purposes, reported it without recommendation.

Mr. SMITH, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 3174) to provide that crops needed for seeding purposes during 1938 shall be released from the liens required by the act providing for crop loans for the year 1937, reported it with amendments.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

(Mr. VANDENBERG introduced Senate bill 3732, which was referred to the Committee on Military Affairs, and appears under a separate heading.)

By Mr. VANDENBERG:

A bill (S. 3733) for the relief of Luman J. Beede (with an accompanying paper); to the Committee on Naval Affairs.

By Mr. COPELAND:

A bill (S. 3734) for the relief of certain officers and enlisted men of the United States Coast Guard; to the Committee on Commerce.

By Mr. GLASS:

A bill (S. 3735) to amend section 5d of the Reconstruction Finance Corporation Act, as amended, to authorize loans to public agencies, to provide credit facilities for business enterprises, and for other purposes; to the Committee on Banking and Currency.

By Mr. BILBO:

A bill (S. 3736) to authorize the Director of the Census to collect and publish monthly statistics concerning the quantities of soybeans, peanuts, flaxseed, corn germs, copra, sesame seed, hempseed, babassu kernels and nuts, rapeseed, and other oil seeds, nuts, and kernels received at oil mills, and for other purposes; to the Committee on Commerce.

By Mr. BARKLEY:

A bill (S. 3737) amending sections 1 and 4 of an act of Congress approved June 18, 1930, entitled "An act authorizing the Commonwealth of Kentucky, by and through the State Highway Commission of Kentucky or the successors of said commission, to acquire, construct, maintain, and operate bridges within Kentucky and/or across boundary-line streams of Kentucky"; to the Committee on Commerce.

By Mr. CLARK:

A joint resolution (S. J. Res. 278) authorizing and directing the Secretary of the Treasury to make an investigation of labor-saving and labor-displacing machinery, and for other purposes; to the Committee on Finance.

RESTRICTION OF EXPORT OF HELIUM GAS

Mr. VANDENBERG. Mr. President, I ask permission to introduce a bill to repeal subsection (b) of section 3 of the Helium Gas Act, which permits the commercial export of helium gas. I ask that the bill be referred to the Committee on Military Affairs.

There being no objection, the bill (S. 3732) to restrict the use of helium gas in foreign airships was read twice by its title and referred to the Committee on Military Affairs.

AMENDMENT OF BANKRUPTCY ACT—AMENDMENT

Mr. WHEELER submitted an amendment intended to be proposed by him to the bill (H. R. 8046) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto; and to repeal section 76 thereof and all acts and parts of acts inconsistent therewith, which was referred to the Committee on the Judiciary and ordered to be printed.

AMENDMENTS TO INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. THOMAS of Utah submitted an amendment intended to be proposed by him to the bill (H. R. 9621) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1939, and for other purposes, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 76, after line 25, to insert the following: "Ogden River project, Utah, \$100,000."

Mr. THOMAS of Oklahoma submitted an amendment intended to be proposed by him to the bill (H. R. 9621) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1939, and for other purposes, which was referred to the Committee on Appropriations and

ordered to be printed, as follows: On page 80, line 18, insert the following:

Altus project, Oklahoma: For construction in accordance with the plans set forth and described in Senate Document No. 153; Seventy-fifth Congress, third session, \$750,000: *Provided*, That no construction on said project shall be commenced until the repayment of all costs of construction and maintenance to be charged against the land to be served with water in such project shall, in the opinion of the Secretary of the Interior, be assumed by appropriate contracts with water-conservancy districts, or irrigation districts, or water users associations, organized under the laws of the State of Oklahoma or with the Farm Security Administration or other form of organization satisfactory to the Secretary of the Interior: *Provided further*, That all funds provided by the Congress to be expended by the Chief of Engineers in the construction of the Lugert Dam and flood-control works shall be used in cooperation with the Secretary of the Interior in the construction of said Lugert Dam as a joint flood-control and irrigation project: *And provided further*, That any sum so appropriated and used by the Chief of Engineers in the construction of the said Lugert Dam and Reservoir, as provided herein, shall be deducted from the total amount to be charged against the land in the Altus project as construction cost: *And provided further*, That the Secretary of the Interior, in cooperation with the Chief of Engineers, is authorized to enter into contract or contracts for the construction of the said Lugert Dam as a part of the Altus project, and the Secretary of the Interior is further authorized to enter into contract or contracts for the construction of the Altus project at a total cost not to exceed \$5,365,469, and as provided herein: *And provided further*, That the Secretary of the Interior is hereby authorized to contract with the Secretary of Agriculture for furnishing water from said Altus project to such land embraced within such project as may be set aside and used as a resettlement area or project under the supervision of the Farm Security Administration.

ADDITIONAL JUDGES FOR CERTAIN UNITED STATES DISTRICT COURTS—AMENDMENT

Mr. HATCH submitted amendments intended to be proposed by him to the bill (S. 3691) to provide for the appointment of additional judges for certain United States district courts, circuit courts of appeals, and certain courts of the United States for the District of Columbia, which were ordered to lie on the table and to be printed.

PRINTING OF ADDITIONAL COPIES OF HEARINGS ON REVENUE BILL.
H. R. 9682

Mr. HARRISON submitted the following concurrent resolution (S. Con. Res. 27), which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That, in accordance with paragraph 3 of section 2 of the Printing Act approved March 1, 1907, the Committee on Finance of the Senate be, and is hereby, authorized and empowered to have printed for its use 1,000 additional copies of the hearings held before said committee during the current session on the bill (H. R. 9682) to provide revenue, equalize taxation, and for other purposes.

PURCHASE OF MEXICAN SILVER

Mr. VANDENBERG submitted a resolution (S. Res. 256), which was read and ordered to lie over under the rule, as follows:

Resolved, That the President be requested, if not incompatible with the public interest, to report to the Senate:

- (1) The nature and extent of any existing arrangements, and future commitments, between this Government and the Government of Mexico for the purchase of Mexican silver; and
- (2) The amount of silver heretofore purchased, and now being purchased, and the price therefor, in connection with all of the arrangements and commitments heretofore described.

ALICE WILKINSON OLDFIELD

Mr. TYDINGS submitted the following resolution (S. Res. 257), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate to Alice Wilkinson Oldfield, widow of Edmund L. Oldfield, late an employee of the Senate, a sum equal to 6 months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

REORGANIZATION OF EXECUTIVE DEPARTMENTS—STATEMENT BY
JAMES TRUSLOW ADAMS

Mr. BURKE. Mr. President, I ask unanimous consent to have printed in the RECORD a telegram received today by the

junior Senator from Virginia [Mr. BYRD] from a well-known historian, James Truslow Adams, in which he strongly recommends the recommitment of the Government reorganization bill.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

SOUTHPORT, CONN., March 24, 1938.

Senator HARRY F. BYRD,

Senate Office Building, Washington, D. C.:

Am profoundly concerned over the reorganization-bill situation, which I believe practically as dangerous for the Nation as that of the Supreme Court last year. Reorganization for sake of economy and efficiency is called for, but in my opinion this bill calls not for such reorganization but for alterations of our form of government. In the crisis of 1933 vast powers were granted to the President which were supposed to be temporary, but they have been retained, and last year the Executive attempted in addition to extend control over the judiciary. Now it demands that powers properly belonging to the legislature be transferred to the Executive, not temporarily but permanently in all likelihood, because experience teaches that powers once surrendered are regained with difficulty if at all. I have watched at close range the growth of one-man power in country after country in Europe and the process is the same. Powers are granted in an emergency and then more powers until the legislatures have found that they have in fact abdicated their constitutional functions or been forcibly overturned. If the people and Congress care so little for personal liberty and constitutional safeguard that they hand over all powers to an Executive when asked, then "it can happen here." I beg Congress not to yield up more of its constitutional power, for it alone can save the Constitution and the Nation. Citizens can make themselves heard only by wiring to their Senator and Representative, and it is my earnest hope that they will do so by thousands, as I have done, while there may yet be time. I know of no argument in favor of continuing to transfer power after power to the Executive, whereas the example of nation after nation in Europe shows the terrible possible danger involved. The preservation of liberty is not a party question; it is the duty of every citizen who wishes to save the country and his own personal freedom. I hope citizens will telegraph their Congressmen without a day's delay.

JAMES TRUSLOW ADAMS.

THE EUROPEAN SITUATION—ADDRESS BY SENATOR NYE

[Mr. LA FOLLETTE asked and obtained leave to have printed in the RECORD an address delivered by Senator NYE at the Town Hall, New York, on March 24, 1938, on the subject What Does the European Situation Mean to Us, which appears in the Appendix.]

ADDRESS BY SENATOR HOLT BEFORE WEST VIRGINIA STATE FEDERATION OF LABOR CONVENTION

[Mr. HOLT asked and obtained leave to print in the RECORD an address delivered by him before the State Federation of Labor Convention in Charleston, W. Va., on March 12, 1938, which appears in the Appendix.]

RECIPROCAL-TRADE AGREEMENTS—ADDRESS BY SENATOR GILLETTE

[Mr. BROWN of Michigan asked and obtained leave to have printed in the RECORD an address delivered on March 25, 1938, by Senator GILLETTE on the subject Trade Treaties Promote Peace and Economic Progress, which appears in the Appendix.]

LOBBYING—INTERVIEW WITH SENATOR SCHWELLENBACH

[Mr. MINTON asked and obtained leave to have printed in the RECORD an interview with Senator SCHWELLENBACH on March 24, 1938, which appears in the Appendix.]

REORGANIZATION OF EXECUTIVE DEPARTMENTS—ARTICLE BY DOROTHY THOMPSON

[Mr. AUSTIN asked and obtained leave to have printed in the RECORD an article by Dorothy Thompson on the reorganization bill, published in the New York Herald Tribune of March 25, 1938, which appears in the Appendix.]

REORGANIZATION OF EXECUTIVE DEPARTMENTS—EDITORIAL FROM THE WASHINGTON NEWS

[Mr. CLARK asked and obtained leave to have printed in the RECORD an editorial appearing in the Washington News of March 24, 1938, entitled "Let It Go Back," which appears in the Appendix.]

INVESTIGATION OF TENNESSEE VALLEY AUTHORITY

The Senate resumed the consideration of the resolution (S. Res. 251) providing for an investigation of the Tennessee

Valley Authority, submitted by Mr. NORRIS on the calendar day March 14, 1938, and reported by Mr. BYRNES from the Committee to Audit and Control the Contingent Expenses of the Senate on the calendar day March 23, 1938.

The VICE PRESIDENT. The question before the Senate is on the amendment, as modified, in the nature of a substitute, offered by the Senator from Kentucky [Mr. BARKLEY] to the resolution offered by the Senator from Nebraska.

Mr. NORRIS. Mr. President, I had several documents which I considered of more or less importance from which I desired to read, but I am unable to find them in the multiplicity of other papers that I have in my desk on this subject. So I will have to speak in rather a general way.

Several weeks ago I submitted a resolution providing for an investigation of the affairs of the T. V. A. The resolution was referred to the Committee on Agriculture and Forestry. That committee made a favorable report thereon and the resolution is now on the calendar of the Senate. As I remember, it was the first resolution that was presented on the subject. It provided for an investigation by the Federal Trade Commission, and its provisions were exactly the same, word for word, as those contained in the resolution now under consideration, with the exception that to the pending resolution has been added the entire resolution for investigation submitted by the Senator from New Hampshire [Mr. BRIDGES] and the Senator from Utah [Mr. KING].

Mr. President, my object in submitting this resolution was to bring about what I believed would be a fair, honest, and fearless investigation of all the transactions of the T. V. A. I then thought, and I now think, that it is the fairest proposal for an investigation now pending before either House of Congress.

The vigorous fights that have taken place on the T. V. A. and on the Muscle Shoals development during the past 20 years, both in the House and in the Senate, have built up honestly and naturally, on each side of the question, a strong sentiment. Senators and Members of the House conscientiously were either in favor of or opposed to the philosophy contained in the T. V. A. Act which is now on the statute books.

I do not want to review that controversy, which extended over a series of years. Suffice it to say that Congress finally passed and the President signed the T. V. A. Act, and one act amending some of its provisions. I was a firm believer in the philosophy of that legislation, but in the contest which brought about the enactment of that law there developed some very divergent and conflicting ideas. Men earnestly believed one way or another, and expressed their ideas, so that gradually there has been built up in Congress a sentiment either favorable or unfavorable to the philosophy of that legislation.

I criticize no man because he did not agree and believe in that philosophy as I did; but when agitation took place, originating in the first instance with the private power companies, this feeling on both sides probably was intensified. Afterward, when Dr. Morgan, the Chairman of the Commission, made his serious charges of dishonesty and malfeasance in office on the part of his colleagues, those who were opposed to the T. V. A. philosophy took renewed courage in fighting anything the T. V. A. wanted to do.

A large number of honest, conscientious persons, friends of the T. V. A., believed that these charges ought to be investigated. I was one of those persons. I thought I knew what an investigation would show. I have tried, to the best of my limited ability, to keep posted on what was going on under the T. V. A. Act. Because of the numerous other duties that came to me in my official capacity, I was, of course, unable to go into details and had only a general idea of what had been done, and what had been attempted, and the progress that was made.

I believed, as I believe now, that no investigation, however searching it might be, if honestly conducted, would disclose any fraud, any dishonesty, or any corruption on the part of

any of the members of the T. V. A. Board, including Dr. Morgan. So I thought an investigation would redound to the honor and to the credit of that organization, unless it should show something wrong, some corruption, in which case I was as anxious as any man on earth could be to have the facts disclosed and given to the public. I was moved by that ideal when I introduced the resolution. I still have that viewpoint, and still entertain that belief.

There is not a man under the shining sun who is more desirous than I am that the T. V. A. shall be free of any suspicion of dishonesty or corruption; and I now say to you, Mr. President, and to the country, that if I believed or had ever believed that there existed any corruption or any dishonesty, I should have been the first to expose it. I wanted, however, an investigation that was fair, and I wanted it to be sweeping. I wanted the American people to know from a body which was unprejudiced and unbiased just what the facts were. So I submitted that resolution, which I then felt and now feel was fair, and would, if adopted, have brought out all the material facts regarding the disputes that exist in the T. V. A.

I was as heartbroken as any man under our flag when I discovered what I believed, after thorough investigation and months of consideration, to be the jealousy of a man whom I had loved for several years, a man whose honesty I never have questioned and do not now question, the Chairman of the Board, Dr. Morgan; but, while I shall not go into the details—I went into them somewhat the other day—I believed, and still believe, that he had been moved by an intense jealousy of his fellow members which had taken possession of his intellect and his reason, and that his charges, after I had labored with him for days to have them disclosed to me, were unfounded, and without any justification whatever.

When that resolution was submitted, the unfriendly newspapers immediately attacked it. Friends of the private power companies all over the United States attacked it. They made various charges about it. They said that I was in a conspiracy to whitewash the T. V. A., and they said in some instances, and intimated in others, that I had submitted that resolution after having consultations with various persons—one of them even the President of the United States—and that the resolution was the result of that conspiracy, and that I was the mouthpiece of the conspiracy.

Mr. President, during my public life I have been charged with a great many things more serious, perhaps, than that, which I have not noticed or paid any attention to, but that was a charge the truth or falsity of which I must necessarily know. If I was in a conspiracy, and if the resolution was the result of it, my heart must be aware of the conspiracy. Necessarily it followed, as night follows day, that if I was a part of it I certainly would know of it.

Mr. President, when that charge was heralded over the country I knew that however foolish I may be, however unwise or ignorant I may be, that was a charge that was false, because in the preparation of the resolution I had never consulted with any one, and had told only one person in the world about it, and that was on the Saturday before I submitted it. That person is a Member of this body, and he is now in my presence. I did not read the resolution to him, but I told him that on the following Monday I was going to submit a resolution for an investigation of the T. V. A. by the Federal Trade Commission.

So I was absolutely innocent of the charge which was heralded over the country, not so much to my detriment—I did not care so much about that—but it was another charge against the T. V. A. which I knew to be as false as hell; and yet reputable newspapers all over the country printed the charge.

That resolution, now on the calendar of the Senate, requires the consent of both the Senate and the House. It is a concurrent resolution. It requires action by both the Sen-

ate and the House in order to become effective. I never in my life did anything about which I was more honest. There never was any suspicion of anybody trying to control me. Nobody ever asked me to do what I did. No one ever suggested it to me; so I knew that this whitewash business, if it was true, was all mine, and I alone was guilty.

About that time resolutions commenced to pop up in the House and in the Senate—in the Senate more than in the House. I am not sure that any was submitted in the House for some time; but in the Senate an agitation commenced for a Senate investigation.

Mr. President, I shall now refer to something about which the Vice President knows. He must know about it. If the Vice President is called upon to select a committee from the Senate and the Speaker of the House is called upon to select a committee from the House, the Vice President and the Speaker will have a difficult job, and probably would not know exactly what to do. The difficulty arises because of the intense excitement and feeling on the part of a great many Members of this body and of the House of Representatives in regard to the matter. If the investigation by the Federal Trade Commission had been authorized no such condition would have existed.

I did not consult the Federal Trade Commission or any of its members. Some of the members of that Commission are Republicans and some of them are Democrats. I do not know how many belong to either party and I do not care. That did not enter into my consideration whatever. But I believed, and believe yet, that they would be unbiased and fair, that they had not participated in any way in this controversy in regard to the T. V. A., and that therefore we could expect a report from them that would command the respect of the country when it was made; and that was what I wanted.

A great many Members of this body spoke to me about the matter, and they, in addition to the press, thought the investigation ought to be made by the Senate. I have in mind now a leading editorial in the Washington Post in which it was stated, "We want a Senate investigation," and they gave their reasons. Members of the Senate with whom I conferred gave their reasons why they thought there should be a Senate investigation. Some of the reasons I thought had weight and were entitled to consideration, and I think so now; but those reasons did not outweigh, in my opinion, the danger we would have gotten into if we had had either a House or a Senate committee or a joint committee do the investigating. At any rate, after we had proceeded for some time, this attitude in regard to a Senate committee I think was general in this body, and afterward the Senator from New Hampshire and the Senator from Utah offered a resolution for a Senate investigation.

I have told the Senate before what happened. I sat here in my seat and heard the Senator from New Hampshire offer a resolution. There was no intimation that the resolution provided for an investigation of the T. V. A. I thought that under the circumstances, I, having offered a resolution myself, and being right here, and the resolution I offered having been referred to the Committee on Agriculture and Forestry, and having been reported by that committee and being on the calendar, any Senator owed it to me as proper respect, if he was offering another resolution to investigate the same thing and have it referred to a different committee, to disclose to me when he offered it, since I sat here and heard him offer the resolution. I thought he should have disclosed the nature of the resolution.

The Senator knew—and everyone knew—that if I had been informed of the nature of the resolution I would have objected to the reference of the resolution to the Committee on Commerce, not because I have anything against the Committee on Commerce or any of its members but because the T. V. A. Act itself came from the Committee on Agriculture and Forestry; my resolution had been referred to that committee, and if there had been any dispute about it we would have

fought it out in the Senate. I would have made a motion to refer the resolution to the Committee on Agriculture and Forestry, which would not have indicated any disrespect for any other committee, but all the business of the T. V. A., so far as it comes to Congress, had been handled by the Committee on Agriculture and Forestry; at least, I was entitled to be heard, as a Senator, under those circumstances; and the man who suppressed the information, who did not disclose it when he offered the resolution and had it referred to the Committee on Commerce, in my judgment, was far from performing his proper duties as a Senator under those circumstances. If the Senate had referred the resolution to the Committee on Commerce, that would have been a different thing and would have been all right.

Perhaps this affected me more than it did other Senators. Perhaps I have an exaggerated idea of the respect we ought to pay to one another. I think it is a good deal like trying a lawsuit. No matter how bitterly one may be opposed to counsel on the other side, when certain matters are to be offered in evidence, or certain other things are to be done, counsel submits the matter to opposing counsel, the enemy in the case.

Be that as it may, what had happened hurt me very greatly. I felt that it was not right. I felt, too, that when I called attention to the fact that it had been done the Senator from New Hampshire should have risen in his place and asked that the resolution be brought back, just as my motion on the table now provides that it shall be brought back; but nothing of the kind occurred.

Time went on, nothing was being done, and there was great agitation from all parts of the country for an investigation. The agitation was interfering very greatly with the activities of the T. V. A. I think it had much to do with the House of Representatives refusing to include in the appropriation bill an appropriation for the Gilbertsville Dam. They knocked it out. I am not criticizing them for that action; they had a perfect right to do it; but I think the agitation had much to do with what happened, as many Members of the House have told me that they thought we ought to hold up on T. V. A. and not do anything until they investigated these charges, which, in my opinion, are going to fall to the ground as grass goes down before fire.

Mr. President, it did seem to me, then, that, no matter how I felt, I ought to be willing to compromise. Legislation is always the result of compromise. So I prepared a resolution including my resolution, which was then on the calendar, word for word, and the resolution of the Senator from New Hampshire and the Senator from Utah, then pending before the Committee on Commerce, word for word. I put the two together, left nothing out that was in either one, and put nothing new in, except what was necessary to provide for a Senate investigation instead of a Federal Trade Commission investigation, inserting the necessary stipulations which always accompany a resolution of investigation, about summoning witnesses, producing books, and so forth.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. CONNALLY. Does not the Senator think that it is much more desirable that it be a legislative investigation than one by the Federal Trade Commission?

Mr. NORRIS. No.

Mr. CONNALLY. I have high respect for the Federal Trade Commission—

Mr. NORRIS. I do not care to argue that at length; I am making this statement merely to show my attitude of mind at the present time. I appreciate the arguments which have been made, and I shall not agitate for a Federal Trade Commission investigation. I am mentioning these things merely to show how I have reached my present state of mind. I still believe in the Federal Trade Commission; but I am not going to ask that they make the investigation. I have given that up, have surrendered.

As I was about to say when the Senator from Texas interrupted me, when I reached the conclusion which I have stated, although I thought I had not been treated with the

courtesy and respect with which a Senator ought to be treated, although I thought this had been rather underhanded, a kind of trick by which the other resolution had been referred to the Committee on Commerce; nevertheless I felt that it was probably my duty to endeavor to get a compromise in order that there might be an investigation. So I offered the resolution for a Senate investigation, to which I have referred. Up to that time practically all demands on the part of Senators and on the part of an unfriendly press were for a resolution providing for a Senate investigation.

I called the Senator from New Hampshire on the telephone and he apparently was delighted that I had reached the conclusion that there should be a compromise. Then I offered the resolution, and I anticipated it would go through without any argument and without any opposition. But it did not, and the Senate knows what has happened since. It was objected to and objected to, and put over and put over and put over.

In the meantime, the very Senators who had submitted the other Senate resolution offered the same resolution word for word, except that they provided that the investigation should be made by a joint committee of the two Houses.

Then I was led again to go forward and surrender, and agree to what the enemy wanted. Although I may be entirely wrong about it, I felt that I had gone as far as I was willing to go. I had surrendered the principle involved between a congressional investigation and a Federal Trade Commission investigation. I had given up the Federal Trade Commission investigation. I had come over to the other side, and I felt as though I would not go any further unless I had to.

I had not any objection to a joint investigation. I have not now. I realize the force of the argument made by the Senator from Kentucky [Mr. BARKLEY] yesterday about a joint investigation, and I want every Senator to feel perfectly free from any influence on my part to vote as between the substitute and my resolution as his conscience shall dictate. I will not feel hurt if the Senate shall unanimously vote me down. I have heard the argument, and know what it is. I admit it is appealing. Yet I feel that, so far as I am concerned, I am not going to surrender again. I would rather go down in defeat, and I will not feel bad if that shall occur. I will heartily support the substitute if it shall be agreed to. The substitute is practically the same as my resolution. I have not compared the two, but I have read them separately, and I think in a great many respects the substitute is an exact copy of the resolution which I myself offered for a Senate investigation.

Mr. President, I wanted to say that much in defense of my position. When I thought it was best that the investigation be conducted by the Federal Trade Commission I may, in the opinion of my brethren in the Senate, have been wrong. I still have the same belief, but others in the Senate have thought otherwise. I believe a majority of Senators think otherwise than I do in that regard. I respect their judgment; I surrender to them, but I am still unconvinced.

However, as between an investigation conducted by a Senate committee and an investigation conducted by a joint committee I do not surrender my opinion. I have been driven by circumstances into the position I have now taken in favor of an investigation by a Senate committee, and I am not willing to go back on that opinion or change my position unless I am voted down.

Mr. VANDENBERG. Mr. President—

The PRESIDING OFFICER (Mr. CLARK in the chair). Does the Senator from Nebraska yield to the Senator from Michigan?

Mr. NORRIS. I will yield in just a moment, if the Senator will permit me to go on a little further. I think the resolution providing for an investigation by a Senate committee is in some respects superior to a resolution providing for a joint investigation.

A Senate committee will be composed of half as many members as a joint committee. I think a joint committee will be too large. I think a committee composed of 10 mem-

bers is too large. I have thought of suggesting to the Senator from Kentucky, if his resolution is agreed to, that it might be better to reduce the number of members on the committee from each House. That is a matter of some importance, but I admit that it is not very material.

I also admit that the House has just as good a right to investigate this matter as the Senate. Not one word have I ever said to detract from that right. If the House desires an investigation by a House committee, I have no objection, although I should dislike to see two investigations being conducted. I should rather have the investigation conducted by one body. However, it could be done by two, if Congress wanted to have it done in that manner, and I would not have any objection to it.

I now yield to the Senator from Michigan.

Mr. VANDENBERG. I desire to ask the Senator a question for my information. The body of both resolutions seems to be textually the same.

Mr. NORRIS. Yes.

Mr. VANDENBERG. Does the Senator think that under the text of the Senator's resolution there is sufficient breadth of authority to include the controversy which exists between the members of the T. V. A. Board and the ex-member.

Mr. NORRIS. I certainly thought so. That was one of the main objects I had in submitting the resolution.

Mr. VANDENBERG. I thought so, but I do not find anything in the text that seems to cover that phase of the controversy.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. BARKLEY. After conferring with the Senator from Nebraska and the authors of the other resolution I shall, at the proper time, modify my own resolution by specifically including the controversy within the Board itself and provide for authorizing that it be investigated.

Mr. VANDENBERG. I think that is highly preferable.

Mr. NORRIS. In corroboration of what the Senator from Kentucky has stated, I will say that I consulted with the Senator from New Hampshire about that matter. As I have said before on the floor, I think the 23 allegations which were printed under the names of the Senator from New Hampshire and the Senator from Utah were insulting. They were not part of the resolution. Had they been they would have been subject to greater condemnation. I have no objection to a man making a statement if he wants to and condemning anyone or anything as bitterly as he wants to. But the Senators wanted to put those charges in the resolution. I have repeatedly stated that if the charges are framed in respectful language I have no objection to having them in the resolution. I do not object to having anything in it, so long as it is framed in respectful language. I do not care how wide Senators wish to make the investigation, or how far they wish to go, or how soon they wish to have it undertaken.

The Senator from New Hampshire and the Senator from Utah have introduced two resolutions. They are exactly alike, except that one provides for a Senate committee investigation and one provides for an investigation by a joint committee. In neither of those resolutions have they seen fit to include the broad language that they now suggest I put in my resolution, or that the Senator from Kentucky put in his substitute.

In specific answer to the Senator from Michigan I will say that after the resolving clause the resolution provides:

(1) Whether said Authority is carrying out with reasonable economy and efficiency the provisions of the Tennessee Valley Authority Act, approved May 18, 1933, and the amendatory act, approved August 31, 1935.

That is quite broad. We are taking in nearly everything. The next provision is:

(2) Whether the work of said Authority has been handicapped or interfered with in any way by any internal dissension among members of the Board of said Tennessee Valley Authority; if so, the cause, if any, of such dissension, and what effect it has had upon the work of said Authority.

I think that covers entirely the propositions that Senators want to have investigated.

Mr. VANDENBERG. Will the Senator permit me to ask him further?

Mr. NORRIS. Yes.

Mr. VANDENBERG. The invidious word which has challenged me in this interchange of charges has been the word "dishonesty." Whether or not that charge is well founded, it seems to me that specifically it is a challenge which should require investigation. Would the Senator say that that was included within the language?

Mr. NORRIS. I think so. I wish to say to the Senator that in the language I have read and in the remainder of the language of the resolution I have endeavored to be perfectly impartial as between the members of the Board. The language to which I have referred charges no one with dishonesty, charges no one with corruption, but the resolution provides in several places that the committee shall investigate and ascertain whether any member of the Board is guilty of such and such conduct.

The Senator from New Hampshire has suggested to me and to the Senator from Kentucky that there be included some specific charges alleging certain things. I quote from memory now. One suggestion is to investigate whether the charge of dishonesty made by Dr. Arthur E. Morgan is true or not.

I have no objection to that. I have heretofore said so. Let it go in. However, I do not think the language is quite as respectful as it should be. It detracts a little from the respectability of the resolution which it amends. That is the only objection I have to it. I think it is all covered either by the resolution of the Senator from New Hampshire and the Senator from Utah, or by my resolution. It is already in both the substitute and the resolution we are considering.

However, I wish to object to going any further and putting in anything else that I think is disrespectful. I have said that I believe a fair investigation will show that there was no dishonesty, no corruption on the part of any members of the Board, either the Chairman or his two associates.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. VANDENBERG. I think the Senator will agree that the truer that is the more important it is that it should be specific.

Mr. NORRIS. Very well, I have no objection to it being specific.

Mr. President, I have forgotten just where I was when I was interrupted, but I can commence almost anywhere and go on.

Mr. VANDENBERG. I am sorry.

Mr. NORRIS. I am not sorry to be interrupted. It is all right. I welcome interruptions from anyone. I do not have anything to conceal. I do not have anything to cover up either in this discussion or anywhere else.

Mr. President, sometimes perhaps I have become unnecessarily agitated, and perhaps have been mistakenly agitated, but it has happened because for years, since the T. V. A. was first thought of, I have come in contact, day after day during all those years, with what very often I considered to be disreputable, dishonorable means employed by private power companies to interfere with the activities of the T. V. A., as they have interfered with attempts to provide public ownership of electricity by municipalities all over the United States. It is a sorry picture. Whether or not one believes in public ownership, in my judgment, is immaterial. Such actions on the part of the private power companies ought to be condemned. In the investigation made several years ago by the Federal Trade Commission such action was condemned. Such action has been condemned after other investigations have been made. Still the power companies keep on doing what has been condemned.

I included in my resolution a thing which the Senator from New Hampshire and the Senator from Utah left out of their resolution, an investigation of the interference on the part

of the private power companies with the activities of the T. V. A. An investigation into that matter, if thoroughly and courageously conducted, will, in my judgment, show that from the day the T. V. A. was born up to this hour it has been continually engaged in a struggle in court and elsewhere with the Power Trust, as I call it, and which I think is a fitting name. The private power companies, combined as they are, can be named a Power Trust. Those controversies have cost the T. V. A. millions of dollars. They have cost the people of the communities in the Tennessee Valley which undertake to buy T. V. A. power many millions of dollars. There is no way to get it back. I think it is true that the T. V. A. has won every single case that has ever been brought against it. There have been cases against the T. V. A. in State courts and in Federal courts. The cases have gone from the lowest court of the State to the highest court of the State, from the lowest Federal court to the Supreme Court of the United States, and the T. V. A. has won every case in the Supreme Court and has won most of the cases in the circuit courts of appeals. There is only one case left for decision, a very important one. It is one which the T. V. A. won before the trial court, the three-judge court—the case which involved the very life of the T. V. A., as did some of the other cases. They have had to contest with the ablest lawyers in the United States. In that case, as I remember, there were 52 lawyers representing the plaintiffs. It was necessary to have a large courtroom to hold even the lawyers who were involved in the case. They were the highest-priced lawyers and the most able lawyers money could hire. I understand the case to which I have referred is now on its way to the Supreme Court of the United States. I do not know when or how other cases may be started; but they will be started if an opportunity is found. In the meantime the communities in most cases are buying power from the Power Trust. So it has been profitable for the Power Trust to fight in court, even though the expense has been great. We all know that the expenses on both sides, after all, are paid by the humble consumers of electricity.

Mr. President, I have made these assertions without fear of successful contradiction. I want an impartial investigation to bring out the facts. I want somebody besides me, somebody more able, more judicial, whose opinion before the country would be entitled to more weight, to make the findings of fact. I am stating what I think the findings of fact will show. I have not told the whole story by any means. There is no end to the string. It goes on forever. I do not know to what extent the situation I have described has affected the action of Congress; but honest men, good men, are frightened by the terrible reports of what is going on.

A report was circulated all over the United States to the effect that the T. V. A. had lost several thousands of dollars on the purchase and sale of a jackass. When we learned the truth, we found that the T. V. A. did buy a jackass, sold the jackass, and made \$50 out of the transaction. There were not any thousands of dollars involved in it at all. And yet the truth, although repeated over and over again on the floor of the Senate, has not reached the distant parts of the United States where the original lie was printed and circulated by all unfriendly newspapers.

If I wanted to take the time, I could narrate dozens of similar instances. However, in this discussion I should like to take up the charge which has been made that the T. V. A. has sold electricity to large corporations and has had electricity on hand which it has not sold to municipalities, as the act requires.

Technically, there is some truth in the statement. On one side there is the strong arm of the court, with an injunction which says to the T. V. A., "You shall not sell electricity to this municipality." What is the T. V. A. to do? Shall it disobey the injunction? No. It obeys the injunction, just as I would, or as any Senator would. The T. V. A. is restrained by injunction from selling power to municipalities, and the cry is made in the Senate, "For God's sake! You have so much power, why do you not sell it to the municipalities, as the act requires?"

Fraud on the part of the T. V. A. members is charged because they have not sold power to the municipalities in certain instances. That charge has been circulated everywhere. Yet there has not been an instance, and there is not now an instance, where transmission lines into municipalities exist, where the T. V. A. would not be able to supply the municipality with power if the municipality should ask for it. The T. V. A. does not dare go out and canvass the municipalities and persuade them to ask for the power. If it did, there would be a complaint made against the T. V. A.

In the meantime the T. V. A. has the power. What shall be done with it? It is sold, as the act provides, to private power companies whenever opportunity offers. There is a proper provision in the act to the effect that if the T. V. A. has surplus power which municipalities and farm organizations do not want and cannot take, the T. V. A. is authorized and directed to sell it to corporations. As a matter of fact, Mr. President, great monopolies all over the world—and I admit there ought to be monopolies in the power field in order to produce power cheaply—are selling electricity to a large number of municipalities and others; and it will be found that a certain percentage of that power is sold to industry, to large manufacturing concerns, just as the T. V. A. has sold power to others than domestic consumers. It is possible to do this in every instance without injury in any case to a municipality or to a farm organization.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. McKELLAR. Unless the T. V. A. had sold its surplus power it would have gone to waste, whether it be primary power or secondary power.

Mr. NORRIS. Of course.

Mr. McKELLAR. As the Senator knows, a substantial percentage of the power sold to corporations by the T. V. A. has been secondary power.

Mr. NORRIS. If the surplus power was not sold, Senators would be crying, "Look at all the power going to waste. Here is a big corporation willing to buy some of it and you will not sell it to them."

I am not an expert on the subject, but in reading the history of such operations I find that there is always a large quantity of power sold to private industry by the great concerns which are engaged in the generation, transmission, sale, and distribution of electricity because the experts will say, as they have said to me, that a better balanced use of electricity is obtained in this way. I am now speaking from memory, but I think I am correct in stating that the Hydroelectric Commission of Ontario, Canada, the greatest concern of its kind in the world, sells a third of its electricity, in round figures, direct to great corporations and manufacturing establishments. If all the power were sold to domestic consumers, the rate charged would necessarily be much higher than that charged when the power is sold to all kinds of customers. If the power were sold exclusively to domestic consumers, the load would fluctuate up and down, and there would be no place to equalize the power which must be produced to supply all the customers with electricity at any time, day or night. So those who know the subject and those who manage power production enterprises, try to distribute the power to all kinds of customers. For example, coming down to a small matter, there is a wide difference in the consumption of power between a refrigerator and an electric range. Speaking generally, the refrigerator takes the power constantly, day and night. An electric range is used three or four times in 24 hours. When the electric range is using current the load goes up considerably. When the current is turned off, if there is no place to sell it, it goes to waste. The matter is one for experts to handle.

In Winnipeg there is a municipally owned plant which has been selling power to the residents of that city as cheaply as it is sold anywhere on earth, if not more cheaply. In order to lower the rate, a great campaign was conducted to sell electric water heaters. One electric water heater would not make much difference but 10,000 electric water heaters would make a great deal of difference. A campaign

was inaugurated to try to induce everybody to heat water by electricity, and to buy electric water heaters, because the water heaters represented a constant use of power. The consumption of electricity by water heaters does not greatly fluctuate. It goes up and down to some extent, it is true, but not to any perceptible degree. The sale of power to operate electric water heaters is a very desirable kind of sale. There are more electric water heaters in the city of Winnipeg than in any other city in the world of comparable size. The effect has been to help bring down the cost of electricity for lighting the homes, cooking the meals, and washing the dishes of the people of that community.

A fair investigation will show that the T. V. A. has tried to follow the same plan. If it did not, it would be subject to criticism, and justly so.

Mr. President, a resolution was submitted yesterday by the Senator from New Hampshire. If Senators did not hear it read, they ought to read it. I desire to read it in full, and I hope Senators will listen to the reading:

Resolved, That the Sergeant at Arms of the Senate is directed to take into his custody in the name of the United States Senate all books, records, papers, and documents of the Tennessee Valley Authority and to hold same in readiness for production before any duly constituted congressional investigating committee. Such books, records, papers, and documents shall, while in the custody of the Sergeant at Arms and under such rules and regulations as he may prescribe, be made available to the officers and employees of the Tennessee Valley Authority for its normal operations. The Sergeant at Arms is authorized to appoint such special deputies as may be necessary to carry out the provisions of this resolution. The expenses of the Sergeant at Arms under this resolution, which shall not exceed \$10,000, shall be paid from the contingent fund of the Senate upon vouchers approved by him. All authority conferred by this resolution shall expire upon the final report to the Congress by any congressional investigating committee established to investigate the Tennessee Valley Authority or, if no such committee is established, on July 31, 1938.

Mr. SCHWELLENBACH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Washington?

Mr. NORRIS. I yield.

Mr. SCHWELLENBACH. The Senator said we should listen to the reading of the resolution. What good would it do anybody to listen to that resolution? No one takes it seriously, does he?

Mr. NORRIS. I do not know; I presume the Senator from New Hampshire takes it seriously. What is it for? Is it not another indication, another instance of an effort to stick the dagger of malice into the back of T. V. A. without any cause whatever? Is it not another instance which shows how this organization set up under the laws of Congress has had to contend for its existence every day of its life?

Take over the T. V. A. by the Sergeant at Arms of the Senate. Mr. President, I am sorry the Senator from Montana [Mr. WHEELER] is not present, for I wish to commend him in the highest terms for the investigation he is now making and has been making for some time of the financial conditions of the great railroads of the United States. He has shown the existence of corruption, of conspiracy, of dishonesty in the management of those great institutions. The Senator from New Hampshire did not know about that, probably, or he would have included in this resolution a provision that the Sergeant at Arms shall take over the railroads of the United States and run them, as well as run the T. V. A. I understand yesterday when I was not here someone objected to the present consideration of the resolution. I should like to have the resolution considered; I should like to have a roll call and ascertain how many Senators, no matter what view they may take on this question, are ready to vote to get behind such a proposition as that. Its only object is to injure, to slander, one of the greatest organizations that has ever been created, in my judgment, under the shining sun anywhere in the world.

That is a sample only. I have a good many other samples that I had intended to read, but, as I have said, I cannot find them at the moment. However, I have here an article taken from the Washington Post of March 11, 1938, on page 9. I shall read only a portion of the article, but what I shall

read is all of the article which refers to this subject. The article commences on page 1 and continues on page 9:

Representative BACON hurls charge.

That is the heading. Think of it! Representative in Congress hurls charge against the T. V. A. That headline ought to carry it.

I quote from the article:

Directly related to the White House meeting today and the battle in Congress over demands for an investigation of T. V. A. was a statement issued last night by Representative ROBERT L. BACON (Republican), New York. Demanding a T. V. A. investigation and not by the Federal Trade Commission. BACON referred to a report—

This is a report—

that in at least one instance advance information on Director Lillenthal's yardstick power rates apparently assisted certain persons friendly to the administration to manage very profitable operations in the stock and bond markets.

That is what somebody said was a report. The article goes on:

BACON said the instance which had come to his attention concerned Lillenthal's first announcement of the so-called yardstick rates on September 14, 1933. Although that announcement was not released to the press until 6 p. m. that day, BACON asserted, "The price movements in certain utility stock and bonds earlier that day suggested a very probable connection between Lillenthal's rate decision and some market quotations involving power companies contiguous to the T. V. A. area."

The article goes on:

The New York Representative said he had been told—

Mark you, Mr. President, he did not see, he did not hear, he did not read, but "he had been told"—

the Justice Department had made "some inquiry into this leak." He said the Department's findings should be made available to Congress. He asserted he also had been told that there had been some discussion in the T. V. A. Board of this "stock market leak on the yardstick rates" and that on that occasion "Mr. Lillenthal threw his influence against a formal inquiry to trace out the source of the leak to the market."

"The congressional investigation of the T. V. A. is demanded," he asserted, "not only to establish the names and connections of those who may have enjoyed advance information touching Director Lillenthal's official decision, but also to establish the outcome of the Attorney General's investigation of that incident."

Mr. President, that is another sample of what is going on. I believe a fair investigation will show there is nothing to the charge. When I read it I thought, "Here is an opportunity now to run it down to see whether or not it is true." So I wrote a letter to the Attorney General, which probably I should not take the time to read, and so I will ask to have it inserted in the RECORD at this point. The letter simply asked the Attorney General to let me know what, if anything, he had done about this terrible thing.

The PRESIDING OFFICER. Without objection, the letter will be inserted in the RECORD.

The letter referred to is as follows:

MARCH 11, 1938.

Hon. HOMER S. CUMMINGS,

The Attorney General, Department of Justice.

MY DEAR MR. ATTORNEY GENERAL: There appeared in this morning's Washington Post on page 9 a report that Representative BACON, of New York, had issued a statement condemning Mr. Lillenthal, of the T. V. A., for some irregularity in the announcement of T. V. A. rates which had enabled speculation to take place on the stock exchange in New York with reference to the securities of private electrical companies. It is stated in this article that Representative BACON was told by some person (unidentified) of this occurrence and that he was further told (person unidentified) that the Attorney General had made an investigation of this report. It is alleged in the Post that Representative BACON expressed the opinion that this matter ought to be investigated and that the alleged investigation made by you should be given to the public.

There are so many unjustified rumors based upon hearsay and speculation going through the newspapers at the present time in regard to the T. V. A. and Mr. Lillenthal, in particular, that I have thought it best to inquire of you whether you or your office have made any such investigation, and whether there is anything to this rumor that Representative BACON is alleged to have heard from people who so far have remained unidentified.

I am enclosing a copy of that part of the article in the Post referring to this matter.

I am doing this now because I have never before heard any charge of any irregularity being made against Mr. Lillenthal in

this particular, and I have never heard that you or your office have made any investigation of such a report, if there was such a report.

Will you please let me know whether there is anything in this Post article and also your connection with the matter discussed? If there was such a report and you made an investigation of it, I would like to have the results of your investigation.

Sincerely yours,

GEORGE W. NORRIS.

Mr. NORRIS. This is his answer, directed to me:

MARCH 14, 1938.

MY DEAR SENATOR: In the absence of the Attorney General, this will acknowledge your letter of March 11, in which you make inquiry as to whether the Department of Justice has conducted any investigation of certain charges mentioned by Congressman ROBERT L. BACON, of New York, in a statement appearing in the Washington Post for Friday, March 11, 1938.

You are advised that this Department has conducted no investigation of the Tennessee Valley Authority or of its directors at any time.

With kind personal regards,

Sincerely yours,

ROBERT H. JACKSON,
Acting Attorney General.

That is the way such reports, which are exaggerated to the maximum degree, usually disappear.

I, myself, think it would be perfectly natural that many things should appear in the investigation as to which men will not agree. I do not agree and have not agreed to everything I know of that the T. V. A. has done, but I have never found an instance in my investigations—and I have made many of them—of any taint of fraud or corruption. It will be found, in my judgment, that in some instances they have spent money which I do not think they should have spent. For instance, it has been mentioned by the Senator from New Hampshire on the floor of the Senate that the T. V. A. bought some cattle—some cows and one or two males. They were registered Jerseys. At the time the T. V. A. was building the Norris Dam which was out in the mountains 20 miles away from Knoxville. It was necessary to feed there thousands of employees and their families every day. There were two things in view, first, to supply the workmen with unadulterated milk of the highest grade that science could provide, and, in the next place, by getting the proper kind of a herd to assist in improving the grade of cattle in the great Tennessee Valley.

I think it will be conceded by everyone that there is need for improvement. So a herd of Jerseys was bought—I do not remember how many, but 14 or 15 or something like that number. I saw them when I was there. I saw what was done with the milk. A rather small, but quite expensive building, I understand, was constructed, in which to handle the milk. When the milk came in it was treated and put in bottles by the most scientific method known; so that when it went out from there those who bought it—and most of the employees had wives and children—knew that they were buying milk which was tested and which, so far as human ingenuity could provide, was perfect. It was expensive; it cost considerable money. In the meantime, the herds of the community were improved to some extent—to a great extent, I think.

I was talking with the T. V. A. members about that very expenditure of money, and I said:

There is a question about it, though not on the ground that you have done anything wrong or illegal. I agree that you had a right to do what you have done under the act itself. There is no doubt about it in my mind; but you have to carry on your operations in the face of the worst enemies God ever permitted to live. They are going to find fault with everything you do. Even if you go to church, they are going to find fault. If you run a gambling den, they will find fault. There is not any place in between a gambling den and a church where you can live or exist without their finding fault in some way, and you ought to lean backward to be careful about the expenditure of money.

When this matter was being investigated by a House committee several years ago a Member of the House said he thought the best thing the T. V. A. had ever done was when, by the most scientific method known to man of preparing and serving milk, they cared for the lives of the persons who were in their hands, and the lives of their wives and families.

They established a waterworks. Some men would say, "No; do not do that." I will admit that there is room for dispute about their actions, that honest men may disagree on the subject. I think they did right. In my opinion they did not do anything illegal or anything dishonest. It is all there in black and white, and it is there today. They put in a sewerage system. They never had a case of malaria, they never had a case of fever or any other disease that comes from lack of sanitation in the town of Norris while they were building the dam. There was a less loss of life by accident in connection with the construction of that dam than in the case of any similar dam that has ever been constructed in the history of the United States. They made a remarkable record.

An investigation will show that a good deal of this extravagance came about from Dr. Morgan himself—your hero, your man who is so unjustly punished—and if some of those things are brought out he will need honest men to defend him before the committee from the dark dagger of malice that the power people will undertake to put through his ribs. He will need friends like me when these matters are investigated more than he ever before needed them in his life. I think he was right, even though I think in some instances he went farther than I should have gone under the circumstances.

Those are some of the things that are going to come out.

Mr. President, it has been charged that the T. V. A. has sold primary power for secondary-power rates. I do not know anything about it, but I will venture to say without fear of contradiction that that charge will fall flat. I will venture to say that it is not true; that there is not any truth in it. If you analyze the contract of sale, you will find a full explanation for every charge that was ever honestly made. A large volume of it was secondary power; another large volume of it was run-of-the-stream power; another volume was primary power; and they never sold power to a corporation unless they would sell it to you or me if we desired to purchase it from them.

Mr. McKELLAR. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Tennessee?

Mr. NORRIS. I yield.

Mr. McKELLAR. And it will be found that whenever the T. V. A. made a contract, they published the contract, and it is in their printed reports, so that the world might know just exactly what was contained in the contract.

Mr. NORRIS. So far as I know, that is absolutely true.

Mr. McKELLAR. Every contract has been published.

Mr. NORRIS. An investigation will show that the T. V. A. have not made some reports which under the law they are required to make at a certain date. I asked them why they had not made the reports. I helped to enact the amendatory law which prescribed when they should make certain allocations. In the original act we provided that allocations should be made between power, flood control, navigation, and, in some instances, fertilizer, and the charges should be made accordingly. That has not been done. Why have not the T. V. A. made such allocations? One reason why they have been delayed to a great extent for the past year or two has been on account of the difficulty that has arisen, the jealousy that has existed between Arthur Morgan and his two colleagues. They have been working on the matter of allocations, and it is a difficult problem. If they tell me the truth—and I think they have done so—they have not failed to do the best they could. Up to the present time they have not been able to make the allocations; and when you realize what the problem is, you will see how difficult their task is. Here is a dam at or near the mouth of the Tennessee River, and here is another one away up near its source. There are intervening dams, some that are valuable principally for flood control, some that are valuable almost entirely for navigation, some that have both of those properties. Some of them develop a good deal of power, and some of them develop very little. They are all in one pool, mingled

together as one great system. Some dams, in my judgment, ought to be charged to flood control to the extent of 75 or 80 percent. Other dams ought to be charged to flood control to a much smaller extent. For instance, the Wilson Dam, built before the T. V. A. was organized, has no material flood-control value. There ought to be no charge whatever to flood control in that instance.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. NORRIS. Yes; I yield.

Mr. McKELLAR. In further reference to the Senator's statement about the delay in making reports, we must remember that from the very beginning the T. V. A. authorities have been harassed with innumerable injunctions from the courts in reference to their very life, and every act they have performed under the law we passed.

Mr. NORRIS. Yes; they have. I thank the Senator.

Mr. President, the T. V. A. authorities have used a great deal of public money in reforestation. Some of the hills in the Tennessee Valley have been eroded and washed away through the many years that have passed since the sides of the Tennessee Valley were covered with a heavy stand of timber. Some of the land was damaged, some of it was eroded, much of it was being ruined. First, through rivulets, and afterward through streams, following heavy rains the topsoil of the valley was being washed down into the Tennessee River. The T. V. A. authorities have spent a good deal of money to cope with that condition. Under the law, they are directed to do it. Whether or not they should continue to do it is a matter that is up to Congress. In order to carry out that provision of law they have established a nursery by which they will raise their own trees. When they did that, they received circulars from nurserymen all over the United States who desired to have the T. V. A. buy trees from them. The T. V. A. authorities have dealt with the matter on a wholesale basis. They have built dams in the rivulets. They have exhibited an unusual knowledge, after a thorough study, of the proper methods of preventing these side hills from washing away and eroding. They have taught the farmers of the community how to build little brush dams with pieces of wood at the beginning of rivulets that afterward become torrents in a heavy rain. They spent a great deal of money in doing it. They have the results there to show what has been accomplished. Is it wrong? They have been criticized for it. Yet Mr. George Fort Milton, the editor of a newspaper at Chattanooga, some months ago wrote a magazine article in which he called attention to that work, and said that in his judgment the erosion-control work of the T. V. A. was one of the most important and beneficial of its numerous beneficial activities.

The T. V. A. is showing how to redeem this part of the country, how to make it beautiful and useful and inhabitable again—an illustration that may be of value all over the United States if the work is carried out. There is no doubt about its being honestly done.

If Congress does not want this work done, it can limit the appropriations for doing it at any time it desires to do so. The matter is up to Congress. We passed the law. We make the appropriations. While I should be sorry to see the work discontinued, if Congress does not want it carried on it can limit the appropriations, and the work will stop at the end of any fiscal year when the appropriations are taken away. If we had a fair, honest consideration of these things, there would not be any trouble; but every little thing has been exaggerated.

Congress has a right to investigate the T. V. A. It ought to know what has been done, and how this money is being spent. It is perfectly proper; and I should be in favor of an investigation, even though no charge of fraud or dishonesty had ever been made.

Mr. President, I may have something more to say later. I ask unanimous consent to have printed as an appendix to my remarks the article by Mr. George Fort Milton, of Chattanooga, to which I have referred. It was published in the *Atlantic Monthly* for November last. I also ask unanimous consent to insert in the *Record*, as an appendix to my re-

marks, a bulletin issued by Judson King, of the National Popular Government League, entitled "An Analysis of the T. V. A. Power Controversy."

I had intended to read the article by Mr. Milton. It is worthy of perusal, I think, by anyone who is interested in this controversy. I have read it with a great deal of satisfaction; and I think anyone who is interested in the question now at issue ought to study, if he has time, this bulletin by Judson King.

The PRESIDING OFFICER (Mr. HATCH in the chair). Without objection, the article and bulletin will be printed in the *Record*.

The matter referred to is as follows:

[From the *Atlantic Monthly* for November 1937]

A CONSUMER'S VIEW OF T. V. A.
(By George Fort Milton)

I

The August *Atlantic* contained an article by Mr. Wendell L. Willkie, a pleasant, clever Hoosier lawyer, who went to New York and at length became the president of a great utility holding company which owns the common stock of an operating subsidiary in the Tennessee Valley. Inasmuch as T. V. A. has been treading on his toes at little (and, albeit, educating his utilities to a rate structure by which, for the first time in their experience, they are selling electricity to households in quantities comparable to those used domestically in Switzerland, Sweden, etc.), he has reprehended as a menace to America the very idea of Government-owned utilities, whatever might be their pattern, shape, or form.

The September *Atlantic* followed with another article, this one by Dr. Arthur E. Morgan, a serious, huge-framed engineer, whose varied career has included the protection of Ohio's Miami Valley from another Dayton flood, and the reclamation both of an Arkansas swamp and of a waterlogged Ohio college. Prestige won in these enterprises led to his choice as Chairman of the Tennessee Valley Authority. In his piece he tilted a shaky lance for public ownership, as exemplified by T. V. A.

This debate between these gentlemen is bound to be immensely interesting to hundreds of thousands of us here in the Tennessee Valley. I have in my family treasures a letter from my great-grandfather, Dr. Tomlinson Fort, written to his wife in 1842, eagerly reporting that "at last I believe the Government at Washington is going to do something about Muscle Shoals * * *." For at least a century the property holders and citizens of the Tennessee Valley have waited for the Government to "do something" about their great river—too large a task for their own unaided hands.

As I say, we were born sighing for something to be done about our river; and yet, now that something is being done about it, some of us feel as though we were guinea pigs in a vivisection laboratory; indeed, as though we were guinea pigs doomed to be the spoils of a struggle between the angry savants of two rival schools of vivisectionists, who have hold of different parts of our devoted carcasses and are pulling and hauling our whole bodies, one enjoining the other in the courts of law on the theory that the God in His heaven had dedicated all guinea pigs to his privately owned dissecting knife. So we wonder if the prizes of this titanic struggle are to be deprived of all voice in electing which shall wield the sacrificial knife.

As editor of a newspaper in Chattanooga, it has been my journalistic lot to see at close range many exciting episodes of this struggle; to take part in some of them; and to sense the feeling of the valley folk about the controversy. Perhaps I should preface my remarks by saying that while I am delighted at the prospect, and reasonably pleased with the performance of T. V. A., still I abhor both of the mutually exclusive theses—the first, that the distribution of electricity must never be "of the people, by the people, and for the people"; the second, the equally uncomfortable ideological strait jacket that all power must be public, because all private utilities always indulge in frenzied finance, corrupt local politics, and exploit the hapless consumers.

Neither of these theories seems to me exclusively tenable; much better is it for us here in this valley to eschew absolutist contentions and to consider the debate from the standpoint of the welfare and development of the region itself. And for us the question is not merely one of whether power shall be private or public; we are chiefly concerned about the economic development and social progress of the valley and its people.

This Tennessee Valley watershed, covering some 40,000 square miles, embraces parts of seven States. A significant thing about it is that its annual rainfall is among the heaviest in the United States. Carrying this to the Mississippi, the Tennessee River falls 600 feet to 200 miles, and there is power in the fall. The Tennessee system as a whole may be made to yield 3,000,000 kilowatts of electric energy. The power in these streams belongs to the people—is among their last great unalienated natural resources. Now the Government is undertaking to develop this power by an integrated system, and to use it as an energizing agent to quicken the economic competence and to raise the living levels of the whole area.

This basin has immense natural resources. After water power, at the head of the list, comes coal, in great abundance; iron ore and the limestone to flux it; zinc and other metals; bauxite to make

aluminum; marble; building stones; and many of the nonmetallic minerals. Forest products are bountiful. The region has a diversified agricultural yield, and its human stuff is of sturdy, independent Anglo-Saxon stock.

Here in the Tennessee Valley area we have the whole southern problem in microcosm. We have poverty in the midst of potential plenty; we have rivers running to waste that should be harnessed; we have rich resources needing development; we have people of low incomes with all the qualities needed to do skilled tasks and to build a civilization of high degree. The Tennessee Valley is particularly suitable for a demonstration of the coordinated development of human and material resources. The Tennessee Valley should become the American Ruhr.

Furthermore, T. V. A. is at grips with the region's vital problems. Take soil erosion. The experts say it was not Alexander, nor Tamerlane, nor Genghis Khan who destroyed the ancient civilizations on the fertile Tigris and Euphrates plains; not they, but soil erosion, made a desert out of a paradise. We Americans should remember this. It is estimated that in 1931 soil erosion destroyed enough land in west Tennessee alone to equal 10,000 farms of 30 acres each. This illustrates why it is one of our worst national menaces. The Authority considers soil conservation and erosion control among its most important jobs. It is now setting up in each county in its area a unit which can aid the farmers to terrace their land and through crop adjustment to preserve it.

A second major activity is in fertilizer. The old World War nitrate plant at Muscle Shoals has been transformed into a plant for reducing the acids needed for fertilizer. The rich phosphate beds of middle Tennessee are nearby; new reduction processes are expected to yield better fertilizer at much less cost. New methods of distribution through farmers' fertilizer cooperative groups could cut the delivered cost. This is only one of many examples that could be offered of the experimentation and research by the Authority, as a result of which many new methods and processes have already been developed, to save time and money and occasionally to give an open sesame to new enterprises.

Another important phase is the development of the river, which will make it available for year-round navigation from Paducah, Ky., to Knoxville, Tenn.—an immense boon to interior transportation of heavy-burden freights. Incidentally, one of the South's great disadvantages in the interregional competition is the higher levels of freight rates we must pay in comparison with those charged to the north of us. T. V. A. has already taken steps to bring some redress to this disadvantage.

Then the T. V. A. is devoting itself to bringing about a companionship of industry and agriculture. With huge quantities of power to wholesale, it must look for customers, and one place it seeks them is on the farm. T. V. A. is taking electricity to the farmers, who are themselves organizing county cooperatives to run their rural lines. Several such have been formed, and they have succeeded from the word "go." Rural electrification stimulates farmers to increase their income. It lightens the farm wife's back-breaking burden. Running water, modern plumbing, electric lights, and refrigeration—all these things add new satisfactions to rural life.

T. V. A. likewise seeks increased residential load in the towns and cities. Although it does not distribute directly, through its wholesale power contract it retains control over the retailer's rates. This control is essential, because the Authority sees its problem as one of procuring the widest possible use of electricity, and it is operating on the sound theory that lower rates bring great volume increases, which in turn enable costs to be cut to the bone—the path Ford took to make the automobile a necessity for the common man. This program is working wonders. In little Tupelo, Miss., for example, power use has doubled and trebled, householders are paying no more cash than before, and the city is paying itself taxes, retiring its debt, and showing a profit. The sale of electric refrigerators, stoves, heaters, etc., in the valley is prodigious. The T. V. A. rate structure, directed toward more power use, not less, ties right in with an abundance economy.

Then T. V. A. does not overlook industrial use of electricity. With such quantities of current, thermal as well as mechanical users must be had. But the Authority has carefully avoided trying to siphon these new users out of other areas. It is making an earnest effort to find completely new industries to establish here to use its power. Within the last year it has made contracts with great industries involving the sale of huge blocks of secondary power, at prices which yield the Authority an income of about \$4,000,000 a year.

Perhaps more important than anything I have mentioned is that T. V. A. may give us the key to the efficient public performance of economic function. All over the world, government seems on the move from performing services of a merely political or ministerial type to the performance of economic function. We may praise or deplore the tendency, but the essential fact is that it is under way. Our public operations are becoming increasingly important and we must find the way to have them well done. The competence of American public service has suffered both from the unwieldy size of the Government machine and from the indifference of the public personnel. This last began over a century ago, when our mystic democracy claimed every man was a popular sovereign and hence competent to hold any sort of public post, no matter how technical might be its tasks. Our civil-service reformers sought to correct it by substituting a rigidly frozen system of status and rights, without any

workable mechanism for discovering and rewarding the worker who has energy, imagination, and intelligence. Therefore incentive for good work was lacking.

T. V. A. is an approach to both these problems. Because of the restricted zone of operation, it permits both immediacy and flexibility of control. Its directors are seeking to set up the apparatus for discovering and then promptly advancing the men of promise. From the start, it has made political backing a disadvantage in getting jobs. This policy, commanded by the law of its establishment, has had the backing of its chairman from the beginning. The Authority's personnel policies cut through the rigidities of civil service and come closer to affording those rewards for initiative which make men really work.

II

It is from such standpoints that the Authority strikes us here in the valley as exceptionally interesting. The time was, after the Norris Act first passed the Congress, when the people of the valley looked upon T. V. A. as our special Federal Santa Claus, coming down our chimney bringing a marvelous profusion of free gifts. That attitude, I am happy to say, is now less in evidence. We are looking at it more realistically.

I make no sweeping claim of this, for there are one or two corners in which there lingers just a little flavor of Kriss Kringle. At the moment T. V. A. is in its constructional phase, as it will doubtless continue to be for 5 or 10 years. Nearly every community that has the river running by it wants a dam, because while it is under construction it means a big pay roll to be spent in the town. Only a few of these pleas for building a dam have been met, however, and no instance except where the dam had been already scheduled by T. V. A.'s world-famous experts. So here Santa Claus has been judicious in his gifts.

Seven cities may have claimed to be Homer's birthplace, and easily that number want to be the headquarters for T. V. A. When first it began to proliferate its staff in Knoxville rents took a jump and that city had a vigorous boom. Now quite a number of offices have been removed to Chattanooga, geographically the capital of the valley, and even the most reluctant private-power partisans in the "Dynamo of Dixie" are not ignoring the fact that T. V. A. has by far the city's largest pay roll.

Nor can I ignore the fact that there are several things about the operations of the Authority that we do not like. We should much prefer to have it a more local enterprise. Most of the common labor is recruited in the area, but its directors have filled the key posts with experts from almost everywhere in the country and the world. We here still have lingering traces of localism and are therefore not any too pleased by this incursion of outlanders to fill most of the high-paid jobs. Yet we recognize this as a badge of the national nature of the enterprise; and, furthermore, when we get a chance to rub elbows with these men from Iowa and Massachusetts and Wisconsin—these coordinators, land planners, erosion experts, and so forth—we begin grudgingly to admit that they are pretty good fellows, even if some of them talk about a creek instead of creek. And they are, most of them, sharp lads with plenty of knowledge as well as enthusiasm. So we do not resent this invasion of the experts as much as once we thought we should.

At the beginning some of us resented rather deeply the paternalistic attitude at the top. These outlanders seemed to have come down here to reform an illiterate, godless lot who would not wear shoes; they would teach us that there really was some merit in occasionally employing footgear. No matter how benighted our section may be regarded by an always enlightened North, no matter how much it may be sneered that the valley contains both Dayton and Scottsboro, its basic population is of good sturdy folk, capable when given opportunity, and quick to resent apparent indignities or slights. Therefore, there was a prompt resentment of these intimations of superiority and twinges of paternalism.

However, it soon developed that this was by no means the general purpose and policy of the Authority; there was exhibited at least an equally vigorous idea on the part of some of its controllers that T. V. A.'s purpose in this valley was not to redeem a backward race by demonstration; that rather it was to afford opportunity to people who, whenever given opportunity, promptly embrace it. This new tone and attitude, an index to T. V. A.'s own capacity for self-education, was a happy change. Today one hears fewer whispers of this zeal for reform, but rather a growing understanding of the merit of the people of the region. And with the change on the part of the Authority has come a companion change of the people's own attitude. T. V. A. is now of us and not of others. Its roots have begun to sink. It is no foreign Santa Claus, but the spirit and the purpose of the valley.

III

To be sure, the proof of the pudding is the eating thereof, and one of the tragedies of T. V. A. in this valley is that, by one means or another, the pudding has been kept too small to do more than taste; never has there been enough for a general repast.

Much of this has been the result of the understandable but nonetheless regrettable legal devices of existing Valley subsidiaries of great Nation-wide utility holding companies. One lawsuit has already got to the Supreme Court, the Ashwander case; and in it that high judicial body held decisively that the Federal Government is equipped with the constitutional right to dispose of its surplus power. In another suit, 19 private utilities sought to enjoin any extension of T. V. A. activities on the ground of some fearful conspiracy. Though the net result of this in the end re-

mains free from doubt, the law's delays have tied the hands of T. V. A. in so many directions that it cannot function fully until this litigation comes to an end; and then there are suits galore to enjoin this, that, or the other municipality from establishing municipal distribution systems. While too multifarious to be related in detail, they are all of a piece; phases of the effort of the private utility interests to hold up in court any large-scale realization of this integrated public-power program until the delay causes the public to lose heart and run up the white flag.

As yet there are no very significant symbols to indicate that the public is ready to surrender. At the moment T. V. A. is serving almost twoscore small cities. Knoxville, Chattanooga, and Memphis have indicated, at referenda at the polls, their substantial public wish for public power. In each of the first two cases the result has been blocked by litigation. The third city is now getting ready to go ahead.

The municipal elections I have cited seem to demonstrate that the people of this valley definitely want public power, and are anxious to take any appropriate steps to assist its advent. But this does not mean that they consider the confiscation of existing private power properties "dedicated to the public use" (as goes the legal phrase) within the range of appropriate steps, or that they desire the competition within the area of public and private systems. They want T. V. A., but they want it to come with a fair compensation to the existing properties.

IV

If I read aright the feelings of the general run of folks here in the valley, it is about like this:

First, they do not feel that the private power companies can ever do one-quarter as much for building the region as can the Federal Government through T. V. A., and therefore they want T. V. A. to do the job. But in doing so they would like the T. V. A. to take over the generation and transmission of electric power in the valley, purchasing the area's existing private utilities' transmitting and generating facilities.

Second, they are anxious for the T. V. A. to acquire, at a fair price, the existing power facilities. This price should represent the real remaining investment value, and not any "wind and water" of fictitious write-ups. There are tens of millions of dollars of legitimately made private investments in bonds and preferred stocks of valley operating subsidiaries. Except for rare extremists, the valley public does not want these values wiped out. They favor no confiscation; indeed, they are willing that the price paid perhaps shall be a little above the real value, in order quickly to unsnarl the tangle and get T. V. A. to work. As Chairman Morgan says, condemnation is not necessarily the most appropriate procedure. Indeed, assuming that both parties to a potential purchase went into the conference room with a real desire to effect a meeting of the minds, there is no valid reason why either an upset price, or at least a mechanism for achieving one, could not be directly agreed upon.

Third, in the event of any "dog in the manger" refusal by the private power people to negotiate upon any other than a fantastic basis, the public would, by a vigorous majority, insist that T. V. A. go ahead, erect the necessary public power transmission lines, and bring its power to competing public systems in the towns and cities of the valley. In such event, the wreckage of private investors' securities would be chargeable to a blind Bourbonism on the part of private power magnates.

Fourth, the actual distribution within cities, towns, and for co-operative rural lines should be undertaken by the appropriate public agencies in the units. For example, in the city of Chattanooga, the distribution network would be run by the Electric Power Board of Chattanooga, an agency authorized by the public at election and established by legislative charter. This agency has already sought—in vain—to secure any sort of conference with the private power owners of the present Chattanooga distribution network to consider the latter's purchase. The people of Chattanooga want the electric power board to buy the existing private properties at a fair price. Still, they want public power and T. V. A. This attitude typifies the feeling of the public in most of the towns and cities of the valley.

The result of such a program would be a great system, under which T. V. A. would generate and wholesale power; the cities and towns would buy it at city gates and distribute it within their retail areas, and the valley would progress amazingly. This is the ideal and logical goal for T. V. A. in the valley. Incidentally, this is a program in which the dominant management influences in T. V. A. itself would be happy to cooperate. It is greatly to be hoped that the controlling private power interests in New York will at some stage be willing to cease their guerrilla war and talk common sense.

[National Popular Government League, Takoma Park Station, Washington, D. C. Bulletin No. 183, March 17, 1938]

KEEP YOUR EYE ON THE BALL—AN ANALYSIS OF THE T. V. A. POWER CONTROVERSY

(By Judson King, Director)

Let us not permit ourselves to become either confused or alarmed concerning this rumpus, in Congress and out, over investigation of the T. V. A. Every person who knows private-utility tactics has long been aware that sooner or later the financial opponents of

public power would raise a clamor and attempt to force an investigation of T. V. A. Truth would not be a factor. Any kind of trumped-up charges would serve, provided they confused the public, muddled the waters, delayed the Government's program, and helped win elections. The people must be made to believe their power system was being corruptly managed, sold down the river, or something. This would all be done, of course, in the name of protecting the people's property.

Progressives have known that the utilities would be the most unscrupulous and powerful opponent of building flood-control dams, no matter what the necessity, unless they controlled the electric power.

Ontario Hydro had this same experience. It had a sensational investigation, as we shall see later. Our time has come. We have to go through with it. So let us have the inquiry, get it over promptly, and go on with our program. Let us have no "pooling" or other compromise which would permit the private interests to get control of the power developed at our yardstick and flood-control dams, of which latter hundreds must be built, making cheap public power available everywhere.

That's the ball. That's the rub. That's the bug under the chip. That's the Edgar Bergen behind this Charlie McCarthy babble.

SHALL THESE POWER MEASURES NOW PENDING IN CONGRESS BE SIDETRACKED?

Take a look at important power measures pending at this session of Congress, and it becomes clear how desperate the utility interests are for something which will serve as an immediate excuse for delay. That's the word—delay, delay, delay.

First comes the Norris regional conservation bill, which some call the "7-T. V. A." bill, although it is a more inclusive measure. Admittedly it is one of the most statesmanlike bills of this generation. Norris will press it, but the utilities are fighting it because it provides for public control of power.

The New England flood-control compacts, containing the "power joker" which would paralyze the Federal Power Commission and set a Nation-wide precedent for States' rights in power, are still pending.

Senator NORRIS has secured Senate approval of an additional \$10,000,000 beyond the Budget figure for the R. E. A. That will electrify thousands of farm homes. It was blocked in conference committee by House Members, and whether the House will accept it is the question. The lobby is fighting it, and it hangs in the balance as I write.

Also pending is an appropriation for needed added construction at the Bonneville Dam, of which Mr. J. D. Ross is the honest and able administrator. It is being fought.

Next, and very important, an appropriation is pending to start construction on the already authorized Gilbertsville Dam at the mouth of the Tennessee River. If built quickly, it may do much to save the Mississippi Valley from a flood disaster like that of last year. The Norris Dam helped then and saved Cairo. But that means a possible 192,000 kilowatt-hours of electric power, not yet authorized, but the pen stocks will be there.

Finally, there is the Norris resolution directing the Federal Trade Commission to resume investigation of private-utility propaganda and appropriating \$150,000 therefor. It has passed the Senate and has been held up for a year in the House Commerce Committee. Reports from over the Nation show the Power Trust has resumed its corrupt political and propaganda activities, especially in throwing municipal elections for public plants which might be customers of the yardstick generating stations.

If the power crowd can get enough Democratic votes in the House to block any or all of these acutely important measures, it will have secured delay, which, as said, is one of its present chief objectives.

Manifestly, then, the power crowd needs an excuse for a red-herring rumpus, preferably a trumped-up scandal, and Dr. Arthur E. Morgan's charges against his fellow Board members are merely an incident which serves the purpose and very effectively.

But had Chairman Morgan worked for the past 5 years in perfect harmony with his colleagues, the enemies of T. V. A. would have filled the air with other charges to secure an investigation.

POWER DIRECTOR DAVID E. LILIENTHAL

When David E. Lilienthal became Director of the Power Division of the T. V. A. program, he took an oath to the effect that he believed in the principles of the T. V. A. Act. That act, as passed after a 12-year conflict in Congress, contemplated and provided for Government operation of the T. V. A. power stations in competition with the private utilities. That principle was the cause of the long warfare and the heart of the matter. The act did not contemplate surrender through a power-pool compromise.

The following excerpt from Mr. Lilienthal's speech before the Rotary Club of Memphis in 1933 is typical of his attitude:

"The Authority is not engaged in a punitive expedition against the utilities. The Authority is an instrument of the people of the United States. It is charged with the duty of carrying out a national power policy, and the safeguarding of the public interest in the country's greatest resource, profoundly affecting the future development and prosperity of our country and all of its people. This policy has not been formulated overnight. It is not a mere political accident. It represents more than a decade of careful consideration. It has been thoroughly debated in the Congress of the United States; it has been sponsored by the President of the United

States. The power program of the Authority is an integral part of a larger policy for the economic development of the United States.

"The duty of the Authority is to carry out that policy. But in carrying it out the Authority is determined to bring the least possible injury to actual investments in useful property."

Mr. Lillenthal kept the faith. He investigated the British grid system on the spot and decided against it. He found it in direct conflict with the fundamental principles of the T. V. A. Act. He fought it, as did Senator Norris, Chairman McNinch, Secretary Ickes, Representative Rankin, Administrator Carmody, and all sincere, weather-wise progressives. President Roosevelt took a look at the scheme and threw it out the window. Dr. Arthur E. Morgan favored it.

That is David Lillenthal's paramount sin. His next sin is that he is a too efficient and altogether too effective executive. He is so intent on his job that he sometimes neglects social and personal amenities and gets himself disliked. He is a modest man, not a rough-and-tumble fighter, and his hesitancy before committees has been misinterpreted. But he is making a success of T. V. A. power, despite lawsuits and utility lies. Left unhampered, he will in a few years have T. V. A. power out of the red. He has even sold some blocks of power to large industry in a competitive market which Mr. Willkie wanted. He knows every trick in the Power Trust bag; that is another thing that hurts.

Mr. Lillenthal has another sin. In cooperation with the electrical workers and other labor unions he has worked out a labor policy of mutual understanding with organized labor. It is working well. T. V. A. is the best organized governmental agency in the United States. Mr. Lillenthal believes in the right of labor to organize and in good wages and proper conditions, and has said so publicly. He is against company unions. That attitude toward labor is a guilt, in the eyes of big business, second only to his devotion to public power.

The great lawsuits, at least, are over. Memphis, Chattanooga, and Knoxville can now build plants, since Secretary Ickes is now free to advance the money. Business prospects for T. V. A. power are bright—Lillenthal must be stopped somehow—ah! an investigation.

DR. ARTHUR E. MORGAN

A few days after his appointment as chairman of the T. V. A. in 1933 I had an interview with Dr. Morgan. He began his conversation with the pointed remark:

"I want to tell you one thing. I am not going to fight the power companies."

That might mean a very wise policy; namely, that as an administrator he would refrain from baiting or attacking private utilities. That also might mean he believed himself a diplomat clever and persuasive enough to get along peaceably with utilities. Or, far deeper, since the power executives were certain to fight him above-board and underground, it might mean compromise in a manner that would nullify the power policy of the Tennessee Valley Authority Act. His "I" implied that he was the Board or would dominate it.

I was puzzled and disturbed, as much by the tone as the words. Dr. Morgan did not elucidate. Time would tell. But what was his attitude toward corporations and utilities? I dug up an article titled "Sky Hooks" he had written for *Antioch Notes*, his college publication, for January 1933. Here is a paragraph:

"We live so much through the service of public utilities that whoever controls them largely controls our lives. Europe turns to public ownership for protection. America would like to preserve the creative impulse and economy of private control, but unless in private control there is a degree of integrity and sense of trusteeship far beyond that required for small-scale business, or unless people are 'educated' to docility by the utilities, the public may be forced to take over the utilities in self-protection. Organizations like the American Telephone & Telegraph Co., by the honesty of their methods, do much to create public confidence in the management of affairs."

It is common knowledge that Dr. Morgan opposed Mr. Lillenthal's power policy from the start. Through 3 years this inside opposition continued and grew. Right after President Roosevelt indicated in 1936 that he was opposed to the "pooling" policy, Dr. Morgan issued a long statement, given enormous publicity by the conservative press, urging cooperation with the power companies on a basis of mutual confidence, the setting up of pools, and denying municipalities the right to establish their own distributing systems in competition with the companies. They must buy them out practically at company prices.

Said Senator Norris: "I was amazed at Dr. Morgan's position. Had I read his statement without knowing its author I would have unhesitatingly declared that it was the work of a Power Trust attorney."

Mr. George Fort Milton, editor of the independent *Chattanooga News*, wrote a critical analysis of this pronouncement under the head of *Morgan Pool Plan Has Fatal Flaws*. Here is a sample:

"A second salient misapprehension, in our judgment, is the chairman's assumption that the holding-company executives in power-pool negotiations, as 'trustees' for investors, would be justified in asking the T. V. A. to define 'its power policy and program, in order to remove what they claim to be a very real but undefined threat now hanging over them of uncompensated dismemberment and duplication of facilities.'"

"This statement involves the inference that the power policy and program of the T. V. A. is undefined. The fact is, however, that this power policy and program have been defined by the Norris

Act proclaiming and establishing the public policy of the United States as to T. V. A. Any such 'definition' of the policy as Mr. Morgan demands would necessitate a reexamination of the whole T. V. A. program and the act of Congress on which it is based. It seems to us a strange thing that the Chairman of the T. V. A., about to enter negotiations as a representative of a public enterprise, would thus propose a course which might involve destroying the whole Norris Act."

While Mr. Lillenthal was negotiating with legitimate trade-unions in establishing the present successful labor policy for T. V. A., Chairman Morgan gave no help. He favored company unions, as shown by his public speeches and articles, even while the Wagner Labor Relations Act was pending in Congress. In *Antioch Notes* for March 1935, and again in March 1937, he wrote articles favorable to company unions which were promptly assailed by Labor, Washington newspaper of the railroad unions, and by the *Electrical Workers' Journal* as misleading and full of misstatements of fact. Labor laughed at Dr. Morgan's reference to the famous Baltimore & Ohio Railroad labor plan as a company union, which it is not.

In his article in 1937 Dr. Morgan stated:

"The company union afforded a golden opportunity for those in control of industry to discover an approach to industrial democracy and to develop capacity in workers for sharing both opportunity and responsibility. The fact that the very name has come to be hated by labor, and that commonly it has come to stand for methods aimed at preventing such sharing, is evidence that management often has failed to make wise use of a great resource."

Marion H. Hedges, editor of the *Electrical Workers' Magazine*, himself a former university professor, wrote a scathing review of Dr. Morgan's position as shown by both articles. Said Mr. Hedges, under the heading "Arthur Morgan Re-Blesses Company Unions": "Here we find the same Protean words, the same sleight of hand of language, the same high-flown approach to the labor problem as Mr. Morgan manifests in his approach to the power problems; here also, however, is abject conservatism masking as liberalism; misinformation paraded as scholarship, and dangerous administrative policies made to look like expressions of noble emotions. One reads company unions with amazement. One is confounded by the confusion of mind displayed by Mr. Morgan. One finds the article misinformed—almost ludicrous in its mixture of values and its distortion of facts. No thoughtful man can believe that the head of the Tennessee Valley Authority could have put his initials to this crazy-quilt of labor philosophy."

Whether Dr. Morgan had all the above in the back of his head when he declared in 1933, "I am not going to fight the power companies," I do not know. If he did he should never have accepted the appointment, since he swore to uphold the act and that act states, "All members of the Board shall be persons who profess a belief in the feasibility and wisdom of this act." (Sec. 2, a.)

If he developed them afterwards, he should have resigned as soon as he found himself unable to agree with the majority of the Board, with the President and Senator Norris, and with all others who know his proposed policies would destroy the purpose of the T. V. A. Act.

DR. HARCOURT A. MORGAN

Dr. Harcourt A. Morgan was formerly president of the University of Tennessee. He is head of the fertilizer division of T. V. A. activities and is meeting with success in his efforts in a difficult field. Up to the time of his appointment, Dr. Morgan had not been concerned with utility problems and was not known as a public ownership man. He understood the T. V. A. Act, however, and naturally supported Mr. Lillenthal in his efforts to maintain its principles. Had he not done so, Heaven only knows where the T. V. A. would be today.

Dr. Morgan's department has never been under severe attack. Too many farmers are involved. Politicians are sometimes wise.

ONTARIO HYDRO'S \$500,000 INVESTIGATION—A STRIKING PARALLEL

The number of points at which T. V. A. is repeating the history of the famous publicly owned and operated hydroelectric system of Ontario is startling.

Hydro began in 1910 with only 14 municipalities connected. By 1921, 268 were being served wholesale current. Domestic rates had dropped from an average of 9.3 cents per kilowatt-hour, prior to Hydro to the then unbelievably low average of 2.5 cents. Incidentally, the figure today is 1.43 cents for all Ontario.

Hydro's largest generating station, the Queenston-Chippewa development below Niagara Falls, was begun as a war measure, just as was Muscle Shoals. It would be finished in 1921. The yardstick effects of Hydro's low rates alarmed Canadian bankers and utilities, also those in the United States. Hydro's success must be discredited.

Soon after the war a hurricane of "charges" were launched against Sir Adam Beck, chairman, and the commission by leading citizens, Members of Parliament, the utilities, engineers, and others, all of which were heralded in the press. Sir Adam was a ruthless "czar," just as Mr. Lillenthal is now a Hitler; vast sums had been misappropriated; there had been extravagance and corruption; the law had been violated; there had been waste and inefficiency; plant capacity was too huge—far beyond public needs; the debt would bankrupt the Province and taxes be raised enormously; rates were too low, the plan was not "sound," and a crash was inevitable.

Many good people of the Province became confused and thought something must be wrong. Finally, in April 1922 the Gregory commission was appointed to investigate, named from its chairman, a

prominent barrister, one of the leading critics and even opponents of Hydro, as was a majority of the commission.

Politics: This was known to be a political stunt, but in the end it proved a boomerang, and a disgusted people defeated for reelection its leading proponents in Parliament.

Propaganda: The investigation proceeded for 20 months. The charges laid before the commission were heralded by the press and by word of mouth over Canada and the United States. The commission finally made its report to Parliament in 1924. Its substance may be gained from the headlines in the Toronto Globe of March 14, as follows:

"Hydroelectric Commission vindicated by investigation in Canada. Rash charges of irregularities were baseless 'ghost stories' that faded upon investigation. Gregory commission's report, tabled in legislature, completely vindicates hydroelectric project and even commends Sir Adam Beck's 'notable service to his Province.' Not a breath of suspicion of any 'personal wrongdoing.' Special reference to loyalty and efficiency of Engineers Gaby and Acres. Mild criticism of a few things which 'have been wrong.' Thinks radical policy a mistake. Province pays \$505,801 to learn Hydro is sound."

The attempt to discredit Hydro fell flat, but it hampered the work of the commission. It cost the Province an enormous sum, but it served the purpose of delay and was for long used for propaganda purposes in Canada and the United States.

The Wyer episode of 1925: Old timers will recall the publication by the Smithsonian Institution of an attack on Ontario written by Engineer Samuel S. Wyer, of Columbus, Ohio, and sent to Members of Congress when the Norris Muscle Shoals bill was pending, which created a scandal. It was proven full of falsehoods. Wyer claimed to take his data from the report of the Gregory commission, but his statement was so garbled that even Chairman Gregory repudiated it. The Trade Commission revealed the utilities had paid for the whole printing and propaganda job.

The proposed investigation of T. V. A. has the same purpose—to serve as a springboard for propaganda which will be heralded over the country by the utilities for the next 5 years.

THE BACKGROUND OF THE T. V. A. FIGHT

If we recall the reasons why T. V. A. was established, it will illuminate the present controversy.

For 50 years the electrical industry had thwarted every effort at State or national regulation of rates or securities. The results were disastrous. Investors lost millions; consumers paid extortionate rates; politics, the press, the educational system, and the technical professions were corrupted.

The progressive leadership of the Nation turned to public plants which would compete with private plants. President Roosevelt championed the movement. That method had succeeded in many American cities. In 1921 Muscle Shoals gave opportunity to establish a superpower system, publicly operated like Ontario's, and Senator Norris led in the attempt to establish it. Senator Hiram Johnson and Representative Phil Swing fought for a similar project at Boulder Dam.

The utilities decreed no generating stations. In 1928 their chief Washington lobbyist, Josiah Newcomb, got merry and brave at the Cosmos Club one night and boasted, "I represent a \$9,000,000,000 industry. We will not permit the United States Government to build generating stations." Boulder Dam and Muscle Shoals were ordered and the Power Trust was defeated on generation.

Next the utilities decreed no public transmission lines. Hoover would have compromised with Norris if Norris had forsaken transmission lines. He refused, and finally the right was established in the T. V. A. Act and the Power Trust was defeated on transmission.

Next decree, the building of municipally owned distributing systems must be stopped. Bond houses in many instances refused to deal in public bonds for that purpose, and where done interest rates were high. Secretary of the Interior Harold L. Ickes, P. W. A. Administrator, offered loans for such purposes and gave grants to speed up the work and relieve unemployment. All such projects were enjoined and construction delayed. The Supreme Court, January last, decided for the Government, and Secretary Ickes is now turning loose \$99,637,952, held in escrow, to 61 projects in 23 States for distribution systems. The cities will put up \$47,279,854 in addition. Ickes' action broke the solid front of banker opposition, and money is now easier from private sources. Hence the Power Trust was defeated on distribution.

In 1930 the utilities started the New River case, in 1934 the Ashwander case, and in 1936 the Nineteen Company case, all denying the right of the Federal Government to generate and sell electric power. They lost the Ashwander case in the Supreme Court. They lost the Nineteen Company case in the Federal district court when Judge Florence E. Allen announced the decision January 21 last that "the statute is constitutional" and "these complainants have no immunity from lawful competition even if their business be curtailed or destroyed." It seems evident the Supreme Court will sustain Federal jurisdiction, and so the Power Trust is defeated on "constitutionality."

IF YOU CAN'T LICK 'EM, JINE 'EM

The utility interests have failed to block Government power systems. With the construction of hundreds of flood-control dams imminent, the situation is promising for consumers. From the stock gambler's angle it is alarming. You can't float water on low rates. Now comes from the Power Trust the proposal, "Let us cooperate. Let us go into partnership and avoid distressful conflict and duplication—have peace. Let us pool our interests." "Pooling," as the utilities desire it, may be all right from an engineering viewpoint, but it is a grand way for the Power Trust to

take the Government's yardstick plants into camp. For one thing, the vast investment of the utilities in generating and transmission facilities would be frozen. On it the people would be compelled to pay interest indefinitely. It would not be amortized as the T. V. A. and other plants will be, with resultant cheap rates.

Mr. Wendell Willkie, of Commonwealth & Southern, proposed such a scheme. Many tried to expand it into a national power policy. Mr. Lillenthal and Dr. Harcourt Morgan fought it. Chairman Morgan favored it, as did other high Federal officials in the power field.

We have reached a split in the road, and that is the big practical issue back of this disgraceful rumpus.

CONCLUSIONS

Bringing together the facts and considerations presented, it becomes clear that the real cause of the T. V. A. controversy is not, as pictured, a mere conflict of personal opinions or a temperamental feud between Messrs. Morgan and Lillenthal, each striving to be "it," with the implication that each is equally blamable. It is evident that Chairman Morgan has from the start been the aggressor and the accuser and the other two have been defending not merely their personal status but the very heart of the power policy of the T. V. A. Act, which reactionaries everywhere are seeking to subvert.

Hence the remedy suggested by some and thoughtlessly accepted by many that the whole Board should be forced to resign and new members appointed would not only work unthinkable injustice but would accomplish what all reactionaries desire—the elimination of Messrs. Lillenthal and Harcourt Morgan.

They have stood firm against compromise. The Chairman has cooperation with utilities, and that is why Lillenthal is pictured as a deceitful, corrupt Hitler and the Chairman as a sainted engineer-scholar of great ability and sound judgment under persecution.

Lillenthal during this hullabaloo is going straight ahead and negotiating with Mr. Willkie for the purchase of the Tennessee Electric Power Co.'s properties. Whether Willkie will attempt to prolong unnecessarily these negotiations or whether he was sincere in his recent challenge to the T. V. A. to purchase remains to be seen. Certain it is that Lillenthal is a good bargainer in the public interest and will not brook needless delay. In that he takes the same position as Secretary Ickes, who flatly refused to postpone for 90 days the advance of money to Memphis, Chattanooga, Knoxville, and other municipalities to build transmission systems. Both men have been held up for 5 years by legal devices. No more delay. The public will approve their courageous stand.

Another thing is clear. The demand for investigation is partly a political play. The Republicans lost the elections in 1932, 1934, and 1936 when they fought the principle of public power. Now they shift to protecting the people from alleged maladministration of agencies based on that principle.

But the balloon of suspicion has now been blown so high that an investigation is necessary, and only one by Congress will suffice. President Roosevelt, charged with the Executive duty of administering the T. V. A. Act, could not do less than call for a show-down when open charges of dishonesty and perversion of government were made. He would have been equally condemned by reactionaries had he not called for a show-down. The refusal of Chairman Morgan to state facts in support of his charges when asked by the President should give pause to that portion of the public which honestly believes Dr. Morgan must be right.

Level-headed men acquainted with T. V. A. history do not believe Chairman Morgan has facts to sustain his charges. He desperately sought the removal of Director Lillenthal in May 1936. His accusations were at that time of the same tenor; and, if true, were serious enough to have prevented Lillenthal's reappointment, and, indeed, to have accomplished the ousting of Dr. H. A. Morgan as well. Facts which were demanded by the President and Senator Norris then as now were not forthcoming.

WHAT WE MAY EXPECT

It is inevitable that in an enterprise of T. V. A. magnitude, public or private, some blunders, mistakes of judgment, some chiseling, and some extravagance should have occurred in the expenditure of millions over nearly 5 years. But we need not be surprised to discover that in respect to extravagance, if such is revealed, the greatest offender has been Dr. Morgan himself.

If the committee of inquiry does its duty and uncovers the source and the cost of false propaganda by the utilities, the harassing litigation, and the political intrigue undertaken to block and sidetrack T. V. A., the Nation will wonder how it has functioned as well as it has. Obstruction has cost the municipalities, electrical consumers, and the Government many millions of dollars.

I venture to predict that, as in the case of Ontario Hydro, no "personal wrongdoing" will be uncovered on the part of the accused; no major mistake of policy, no raping of the T. V. A. Act, no betrayal of public interest; nothing of sufficient magnitude to justify the expense and trouble of this investigation, but, on the contrary, that the capacity of the Government to construct and operate projects of this kind will be demonstrated. Like Ontario, we shall have spent thousands of dollars to find T. V. A. sound, and this at the demand of men who are complaining of high taxes, demanding economy and efficiency in government.

Meantime, in an extremely critical period of its history, the work of the Board and of the T. V. A. staff will be hampered and delayed, the whole Tennessee Valley will suffer, public opinion,

Nation-wide, be distraught and divided, and, most serious, important flood-control legislation may be defeated at this session of Congress which should be enacted at the earliest possible moment for the protection of the lives and property of millions of American citizens.

Blind Toryism will in the end awaken to find its inspired investigation both an economic and a political boomerang. It is for progressives to smile at the prospect while condemning its cause. Saddest of all will be the rapidity with which the Tories will drop Dr. Morgan into oblivion when he has served their purposes.

Behind it all looms the fateful issue of whether the Nation's natural resources in water and water power shall continue to be administered by the people's Government for the common welfare or by private corporations for extortionate gain; whether the tangible properties, to say nothing of intangible values, created by community effort, shall be used to build a better civilization or be utilized by private monopoly to enslave mankind.

Mr. BARKLEY. Mr. President, I desire to modify the substitute which I offered yesterday by adding new paragraphs after paragraph (j) on page 4 of the substitute.

The PRESIDING OFFICER. The Senator from Kentucky modifies his substitute.

Mr. BARKLEY. I offer these modifications after conferring with the Senator from Nebraska, the Senator from Utah, and the Senator from New Hampshire, and the modifications are agreeable to all three of them and to me. They embody certain matters which are in the statement made by the Senators who offered the original resolution.

Mr. McNARY. Mr. President, I ask that the modifications be read.

The PRESIDING OFFICER. The clerk will read.

The CHIEF CLERK. On page 4, after line 12, in the substitute, it is proposed to insert the following:

(k) Whether the charges made by Chairman Arthur E. Morgan at an attempt to defraud the Government of the United States has been made in connection with purchase of certain lands are true; whether the affairs of the Authority had been conducted in a clandestine manner frequently without the knowledge or presence of the Chairman; whether by action of the majority members the Chairman has not had opportunity to present his views before congressional committees.

(l) Whether the Tennessee Valley Authority has exhibited partiality to large corporations by supplying power at a cheaper rate than available to municipalities and corporations, by contracting for long periods of time a large majority of available hydroelectric power and by including in such industrial contracts provisions tantamount to a secret rebate in that delivery of "secondary" power is provided during the season of the year when only "firm" power is available from T. V. A. dams.

(m) Whether the Authority has complied with that part of section 14 of the T. V. A. Act, as amended, which requires (a) that the Tennessee Valley Authority should have submitted to Congress on January 1, 1937, its allocation of costs to the various activities under its control up to that time, and (b) that the Tennessee Valley Authority submit in each annual report thereafter its similar allocation of costs for the period covered in its report.

(n) Whether the Authority has interfered with the Comptroller General's audits of the Authority required to be submitted annually to Congress under section 14 of the act, as amended.

(o) Whether it has offered unfair inducements to industrial organizations to leave their established locations to settle within the Tennessee Valley Authority territory.

(p) Whether it has forced rural customers to purchase expensive, unnecessary, and undesired electrical appliances under threat of refusing to supply electricity, and actually to have permitted potential customers to make heavy investments in appliances after which service was refused until further purchases were made of unnecessary and undesired electrical appliances.

(q) Whether by accounting methods and cost charges applicable to private industry, the electric rates of the Authority provide a legitimate, honest "yardstick" of equitable rates of private industry.

(r) Whether extravagance, mismanagement, and illegal conduct, if any, by the Board has dissipated funds appropriated to the Tennessee Valley Authority.

Mr. BARKLEY. Mr. President, I ask that the additional stipulations be lettered consecutively following paragraph (j), which appeared in the original substitute. I do not wish to take any further time of the Senate because we are anxious to proceed with something else, but I do desire to reiterate what I stated yesterday afternoon.

I say to the Senator from Nebraska, and I am sure he understands, that I regret that I feel it my duty to offer a substitute for the resolution which he himself offered, and which is under consideration. I would only do it because of

the circumstances which have developed with reference to this matter within the last week or so.

I was with the Senator from Nebraska in his desire to have the investigation made by the Federal Trade Commission, because I thought it would be certainly nonpolitical, nonpartisan, and entirely fair and judicial in its investigation and in its report. When the Senator modified his resolution to provide for a Senate investigation alone I shared his views on that subject, and if I thought that it would be possible for the Senate to conduct an investigation alone I would still be in favor of that procedure. But I think it would be not only regrettable but stupid on the part of the Senate and the House not to come together in the forming of a joint committee to hold this investigation, rather than have two separate committees investigating, which will be the result if we adopt a resolution for a separate investigation on the part of the Senate.

I have no doubt that the same Senators will be appointed on a joint committee to represent the Senate who would be appointed by the Vice President as members of a Senatorial committee alone. I do not know who they will be, I have no idea who they will be, but they ought to be fair-minded men, unprejudiced, without any preconceived notions as to any charges of misconduct or dereliction of duty on the part of any one connected with the T. V. A.

It seems to me that as between two investigations conducted separately by separate committees of the House and the Senate and a joint committee of the two Houses to make the same investigation, there is no choice. I think the joint committee is infinitely better. It will command more respect on the part of the country, and I think ultimately on the part of both houses of Congress. It will be more dignified. It will be more single-minded. There will be no rivalry, no jealousy existing between two committees, and there will be no unnecessary consumption of time or effort in conducting the investigation.

As I stated yesterday, the House of Representatives is a coordinate body of the legislative branch of the Government. It has just as much right to be considered in this matter as we have. The Members of the House propose, if we provide for a separate Senatorial investigation, to pursue the same course and provide for a separate House investigation, and I have had the feeling reiterated this morning by those responsible for the conduct of the business of the House of Representatives, including the Speaker himself, and the leader of the majority, and I am sure the feeling is shared almost unanimously in the House without regard to politics.

It seems to me that it would be extremely foolish on the part of Congress to allow such a procedure to be followed, and it is only because of that situation, I will say to the Senator from Nebraska, that I have felt it my duty to offer this substitute providing for a joint committee.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. VANDENBERG. The only possible objection I could see to the Senator's proposal would be the possibility of delay. Is it the Senator's judgment that the House will very promptly prove itself receptive to the action of the Senate?

Mr. BARKLEY. Not only will they prove themselves receptive, but they have held back their own resolutions pending action on the resolution in the Senate, and the Rules Committee of the House has been called to meet on Monday for the purpose of considering not only the House resolutions which have already been offered, but to consider any resolution which may be sent over from the Senate; so that there is no doubt about prompt action.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. NORRIS. I do not want to be understood as criticizing the Senator from Kentucky.

Mr. BARKLEY. I understand that.

Mr. NORRIS. I think he has taken a course which is commendable. Frankly, I would have withdrawn entirely

if it had not been that it seemed to me that I was driven to a position where I could not back up any further.

Mr. BARKLEY. I appreciate that.

Mr. NORRIS. I have stated to Senators that they should not vote for my resolution on account of any feeling they have for me.

Mr. BARKLEY. I would have preferred to have the Senator himself offer the resolution I have presented as a substitute, and I conferred with the Senator about it. There is no misunderstanding between him and me on the subject. In view of what we have seen happen, I can fully appreciate how the Senator from Nebraska feels about the matter. He does not feel that under all the circumstances he himself could take the initiative in further modifying his own resolution or offering a new resolution to provide for a joint committee of the two Houses. I can appreciate that, and I fully understand it. In view of that situation, I did not feel disposed to urge the Senator to pursue the course I am now pursuing in seeking to have a joint resolution agreed to. That is all there is to this.

The Senate can vote as it sees fit on the question, but I still feel very strongly that, as between two separate committees conducting the same investigation, it is infinitely wiser and better to have a joint committee rather than separate committees, and for that reason I have offered my substitute.

Mr. McNARY. Mr. President, just a word. I am in sympathy with the proposal made, and shall support the substitute offered by the able leader on the Democratic side. I am wondering whether it comprehends what I have in mind in the way of data and the discovery of factual conditions.

In the first undertaking by the Government having to do with power development and flood control, the great project at Boulder Canyon, on which \$125,000,000 has been expended, the subscribers to power, the consumers, have had to agree to repay these expenditures to the Federal Government over a period of 40 years, at 4 percent interest. There has been no charge-off for flood control or navigation.

Mr. President, the Federal undertaking in the States of Oregon and Washington, known as the Bonneville project, will have cost, when completed, \$77,000,000. I think there has been a liberal write-off of \$32,000,000 for flood control, for power, for navigation, and for fish ladders and lifts, making a total of \$42,000,000, speaking in round numbers, which must be repaid to the Government by the consumers of power at 3½ percent interest in 40 years.

At Muscle Shoals, so far as I know, there has been no allocation made as between power, flood control, reforestation, or the betterments and experiments that took place along the valley. I am not criticizing any of the activities that have been indulged in by the Authority, but I think that with respect to the money that is advanced by the Government for that purpose, those who subscribe for the power should pay a sufficient price for it so the Authority would be able to return to the Treasury of the United States an amount comparable to what is provided with respect to Bonneville or Boulder Canyon, and within the same time as provided with respect to the last-named projects.

If at Muscle Shoals there is to be a yardstick—a term we often apply to the cost the consumer must pay for power—I want that yardstick to contain the same number of inches as the yardstick at Bonneville and Boulder Canyon. I do not want the consumers of power at Boulder Canyon, the citizens of California, Nevada, and Arizona, to be penalized in paying interest over a period of 40 years, and repaying the full sum advanced by the Government if that is not going to be done at Muscle Shoals. I do not want to see the good people of the Columbia Basin, living in the States of Washington, Oregon, and Idaho, being the consumers, return to the Government many millions of dollars at 3½ percent interest if it is not done at Muscle Shoals.

Mr. President, we have other dams in prospect. One is at Coulee. It will be the highest dam in the world and will

develop more power than all the projects now in operation combined.

We have one at Fort Peck, Mont., high up on the reaches of the Missouri River, and one under construction at Casper-Alcova in Wyoming. If the people and consumers of those States are to pay to the Government the money that is properly allocated to power, I want the good people who live in the Tennessee Valley to meet the same requirements and pay the amount of money allocated to power there proportionately and according to the same yardstick as they do at the other projects I have mentioned.

Mr. KING. Mr. President, will the Senator yield?

Mr. McNARY. I yield to the Senator from Utah.

Mr. KING. I agree with the Senator from Oregon. If either the amendment or the original resolution is not broad enough to include obtaining information as to the cost, and so on, and the amount that should be allocated to flood control, and so on, I should be in favor of including a provision calling for such information.

Mr. McNARY. I appreciate the attitude of the Senator from Utah. The purpose is one which should appeal to everyone. It is a question of simple justice to be meted out in the use of Federal funds and in the treatment accorded the consumers of power on Federal projects throughout the country.

Mr. President, what I am curious to know is whether the language of the joint resolution now pending is sufficiently comprehensive to bring out and disclose those facts? I had doubt about the matter, and a moment ago I wrote out on a pad hurriedly what I think covers the point. I suggest an amendment on page 2, as follows:

(a) (2) The total Federal sums appropriated by Congress or allocated by the President to the Muscle Shoals project and the Tennessee Valley Authority—

That is the first thing, Mr. President; to find a basis of expenditure by the Government. I wanted to include the Muscle Shoals project, which was undertaken by the Congress by an appropriation in 1918, and all sums allocated by the President to the Tennessee Valley Authority, which I am informed amount to nearly \$500,000,000. I make no complaint about it. All I am asking is the ascertainment of the facts, because it is necessary to know what the entire expenditure has been in order to determine what proportion of it should be repaid to the Treasury of the United States by those who are receiving the benefits of electric power.

Further, Mr. President, the language would be:

Also allocations made to power, navigation, flood control, or otherwise, and the cost charged to power recoverable to the Treasury of the United States.

That is the hub and nut of the proposition. I submit the inquiry to the very able and fair leader of the Democratic hosts, if this resolution, in his opinion, covers the two proposals I have just made. If so, if this information can be obtained under the resolution as now framed, I do not care to encumber the Record or unnecessarily impose any words upon his substitute to the resolution.

Mr. BARKLEY. Mr. President, I think that under the language of the resolution as it has been perfected up to date certainly that would be one of the basic points from which to start in the investigation of the Tennessee Valley Authority. If there is any doubt about it, I should have no objection to the inclusion of that language, but I have no doubt that under the resolution the committee can investigate everything, including the expenditures, where the money has been expended, and the whole financial set-up and relationship of the Tennessee Valley Authority, as suggested by the Senator.

Mr. McNARY. Mr. President, that is most satisfying and gratifying. I wanted to be sure that these two very pivotal questions be included in the resolution so there could be no doubt expressed by the committee or those who may be questioned.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. McNARY. I yield.

Mr. COPELAND. Our leader has said that he is willing to include that much if there is any doubt in the mind of the Senator. I hope it may be included.

Mr. McNARY. I do not mistrust the judgment of the leader. We have the RECORD. If it is there, well and good. But, if there is no objection, I think I should like, if it is not an encumbrance, to include that language.

Mr. BARKLEY. I am perfectly willing to modify the amendment by including that language.

Mr. McNARY. I will read it, Mr. President, if I may. I propose to insert a subparagraph (a) (2).

Mr. BARKLEY. It should be inserted on page 2, in section 2, where authority is conferred upon the committee. The subsections are (a), (b), (c), (d), (e) (f), (g), (h), (i), and (j).

Mr. McNARY. Yes; Mr. President. I have made this (a) (2). (a) (2) would be between (a) and (b). I suggest that so it will not disturb the sequence of the designations of the subparagraphs. After line 7 in the amendment in the nature of a substitute, I propose to insert:

(a) (2) The total Federal sums appropriated by the Congress or allocated by the President to the Muscle Shoals project and the Tennessee Valley Authority. Also allocations made to power, navigation, flood control or otherwise, and the cost charged to power recoverable to the Treasury of the United States.

Mr. BARKLEY. I modify my amendment to include that language.

The PRESIDING OFFICER. The amendment in the nature of a substitute proposed by the Senator from Kentucky is modified by him to include the language stated.

The question is on agreeing to the amendment in the nature of a substitute, as modified, offered by the Senator from Kentucky.

Mr. BORAH. Mr. President, I understand that the question now is whether the amendment in the nature of a substitute is to be adopted.

The PRESIDING OFFICER. That is the pending question.

Mr. BORAH. Mr. President, I understand that practically all who are concerned most immediately in the proposed investigation have agreed to the substitute, and it is perhaps a useless waste of energy and time to debate it. I feel warranted in saying, however, that, in my opinion, this investigation should be made exclusively either by the Senate or by the House. I have never known a joint investigating committee to equal in its work and effectiveness a committee made up of the Members of either House. In the first place, the responsibility is much more immediate and direct when it rests on a committee of one or the other House.

In the second place, in this particular matter the course suggested will, in my judgment, lead to very great delay. We will have practically a debating society. Having a large number, it will be impossible to get the committee together to do anything until the Congress shall adjourn. I am perfectly clear that that is not the way to make this investigation.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. BORAH. I yield.

Mr. BARKLEY. Of course, that would be an ideal situation if it existed, but we cannot control it.

Mr. BORAH. I should like to say a word about that.

Mr. BARKLEY. Does not the Senator feel that a single investigation made by both Houses would be preferable to two separate investigations?

Mr. BORAH. I have no doubt in my mind on that question. If the House insists on a separate investigation after we have made our arrangement, I should much prefer having two separate investigations than to have two investigations under one authority, which is what we would have. Let the House make an investigation if it desires. The only possible criticism which could be lodged against such procedure would be that there would be the appearance of two investigations. But I want at least one investigation made by an authority which is directly responsible to the Senate.

If the House desires to go forward and make another investigation—which I do not think it will do—let the House do so.

Mr. BARKLEY. I think the Senator underestimates the feeling in the House on the subject when he says he does not think the House will conduct an investigation of its own. I know, as certainly as I know anything, that it will do so.

Mr. BORAH. Mr. President, I have sat in the Senate for 30 years and have watched the Senate being bluffed into doing something by an assertion from the House.

Mr. BARKLEY. It is not a question of bluff.

Mr. BORAH. That is all it is, in my judgment.

Mr. BARKLEY. I think the Senator does the House a rank injustice.

Mr. BORAH. Men do not cease to bluff simply because they become Members of either the House or the Senate. The House may want an investigation. I do not know about that. But when the House tells us that we must have a joint investigation, and that the House insists upon it, I insist that they are—well, if the Senator does not want to call it bluffing, I could call it something else if I were not in the Chamber.

Mr. BARKLEY. There has been no element of bluff or insincerity on the part of anybody in the House, and especially is that true on the part of the responsible leadership in the House. They have taken the view, inasmuch as resolutions have been pending in the House for many days, asking for a House investigation, and resolutions have been pending in the Senate asking for a Senate investigation, that the sensible and statesmanlike thing to do is to combine the two and have the investigation conducted jointly instead of separately.

Mr. BORAH. I have a letter from a Member of the House who has had more interest in this subject than any other Member of the House of whom I know, and who has taken an active part in the matter. He is very much devoted to the cause. He urges that by all means the Senate make its investigation.

Mr. BARKLEY. I do not know from whom the letter comes, and I would not ask the Senator. But does he take the position that if we have a separate investigation the House will back down and not conduct an investigation?

Mr. BORAH. He did not discuss that, but he did urge that there be a Senate investigation, and he gave what seemed to me some good reasons for it.

Mr. BARKLEY. Did he express any doubt that the Speaker of the House would appoint fair-minded men on a joint committee as well as on a separate committee?

Mr. BORAH. Of course, he did not express any doubt about that, and I do not express any doubt about it. What I am saying is that a small committee, directly responsible to the Senate, prepared to go to work at once and do the work efficiently and in a judicial manner, would be far better than a large committee composed of Members of both Houses. Such a large committee would involve delay and interminable discussions on the part of the membership and, in my opinion, we would not have the kind of an investigation which ought to be had.

The PRESIDING OFFICER. The question is on agreeing to the amendment in the nature of a substitute, as modified, offered by the Senator from Kentucky [Mr. BARKLEY].

Mr. FRAZIER. Mr. President, I am strongly in favor of an investigation of the T. V. A., and I agree with the Senator from Idaho [Mr. BORAH] that it should be a Senate investigation or a House investigation, but not a joint investigation. Since I have been a Member of the Senate I have not known of a single joint investigating committee which has been satisfactory to either the House or the Senate. It seems to me that a Senate investigation would be a great deal better. I desire to make this statement to show why I propose to vote against the substitute offered by the Senator from Kentucky.

Mr. BARKLEY. What investigation by a joint committee has proved unsatisfactory?

Mr. FRAZIER. I do not recall just now; but I do not remember a single one which has been satisfactory.

Mr. BARKLEY. Can the Senator name one which has been unsatisfactory?

Mr. BORAH. The Joint Committee on Reorganization.

Mr. BARKLEY. That was a matter of legislation. The Joint Committee on Reorganization was empowered to act as a single body, or to act separately. Disagreements arose as between the House and Senate as to the scope of the legislation and the matter of procedure, but finally the two committees, in cooperation with each other, introduced separate measures in the two Houses, which will probably be worked out in conference between the two committees if the Senate passes the bill now under consideration. That was not an investigating committee.

Mr. BORAH. No; it was not an investigating committee. However, it was a joint committee and had all the characteristics and vices of a joint committee.

Mr. FRAZIER. Mr. President, I do not recall just now any particular joint investigation, but I know the general sentiment which has been expressed with regard to the unsatisfactory nature of a joint investigation.

The PRESIDING OFFICER. The question is on agreeing to the amendment in the nature of a substitute, as modified, offered by the Senator from Kentucky [Mr. BARKLEY] to the resolution of the Senator from Nebraska [Mr. NORRIS].

The amendment of Mr. BARKLEY, in the nature of a substitute, as modified, was agreed to.

Mr. BARKLEY. Mr. President, in order that the resolution may be a joint resolution, since it has been adopted, and inasmuch as the resolution offered by the Senator from Nebraska is a Senate resolution, I therefore ask that Senate Resolution 251, as amended, be laid aside, and that the language now adopted be substituted for Senate Joint Resolution 239, which is the joint resolution previously introduced by the Senator from Nebraska, providing for an investigation by the Federal Trade Commission.

Mr. NORRIS. Why does not the Senator ask unanimous consent merely to change the title?

Mr. BARKLEY. I have that in mind but the Parliamentarian advised me that the better course would be to transfer our consideration to the Senator's joint resolution.

Mr. NORRIS. Then, we are in reality going over the same ground again. There will not be any doubt about the legality of it if we amend the title, as we often do in connection with bills.

Mr. BARKLEY. That is my view about it; but the Parliamentarian took a different view, and I am trying to follow his advice.

Mr. NORRIS. I think the Parliamentarian is a mighty good fellow, and he gives some very good advice, but I do not always follow it, and I do not want to follow it in this case.

Mr. BARKLEY. I do not care to dispute the point with the Senator. Originally I thought that was the course to pursue. I am willing to pursue it yet.

The PRESIDING OFFICER. The Chair will state that he is advised by the Parliamentarian that if the resolution providing for a special Senate committee, to which the substitute was offered by the Senator from Kentucky, were changed into a joint resolution, under the rules of the Senate it would necessarily have to go over. It would have to be read three times, and would have to go over at least until tomorrow, and perhaps later, if any Senator objected.

Mr. NORRIS. Mr. President, I realize that there is a very close question whether, as a parliamentary matter, the Senator had a right to offer his joint resolution as a substitute for a simple Senate resolution. However, that is purely a technical consideration. I did not want to raise it, and I do not want to raise it now. It would be too late if I wanted to do so. However, it seems to me we can meet the contingency if the Senator from Kentucky will now ask unanimous consent to change the title to conform to the substitute as agreed to.

Mr. BARKLEY. Mr. President, as I said a while ago, that was the course I had intended to pursue. Of course, we can do anything by unanimous consent. I therefore ask unanimous consent that the title of Senate Resolution 251 be changed to make it Senate Joint Resolution 251, and that whatever changes are necessary in order to make it a joint resolution be agreed to.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from Kentucky to the fact that the Parliamentarian advises the Chair that there is already a joint resolution numbered 251, and under the procedure suggested by the Senator from Kentucky there would be two joint resolutions numbered 251.

Mr. BARKLEY. I am seeking to change the title of Senate Resolution 251 so that it will be a Senate joint resolution instead of a Senate resolution. Does the Chair hold that that cannot be done?

The PRESIDING OFFICER. It can be done by unanimous consent. The Senate can do anything by unanimous consent.

Mr. BARKLEY. I ask that it be done by unanimous consent.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kentucky? The Chair hears none.

Mr. BORAH. Mr. President, I should like to ask the able Senator from Kentucky if there is any record of a witness having refused to testify before a joint committee; and if so, what the joint committee did about it.

Mr. BARKLEY. I cannot recall from memory such a record; but I think the terms of the resolution are sufficient to empower the committee to compel the attendance of witnesses. Of course, if they refuse to attend or testify, the matter can be brought back to Congress. It might be necessary to bring it to both Houses. However, we certainly would not be without a remedy.

The PRESIDING OFFICER. Does the Senator from Kentucky include in his unanimous-consent request a request that the three readings of the resolution be waived, and that the joint resolution be passed?

Mr. BARKLEY. I do.

The PRESIDING OFFICER. With that addition the Parliamentarian advises that the situation is cleared up. Without objection, the unanimous-consent request of the Senator from Kentucky is agreed to.

Mr. BARKLEY. And the joint resolution is passed?

The PRESIDING OFFICER. It is.

The joint resolution (S. J. Res. 277) creating a Special Joint Congressional Committee for an Investigation of the Tennessee Valley Authority, as passed, is as follows:

Resolved, etc., That there is hereby created a special joint congressional committee to be composed of five Senators to be appointed by the President of the Senate and five Members of the House of Representatives to be appointed by the Speaker of the House of Representatives. A vacancy on the joint committee shall be filled in the same manner as original appointments and shall not affect the power of the remaining members to execute the functions incumbent on the joint committee.

Sec. 2. It shall be the duty of the joint committee to make a full and complete investigation of the administration of the Tennessee Valley Authority Act of 1933, as amended, including:

(a) The efficient and economical administration of the act as amended by the Board of Directors of the Tennessee Valley Authority and any of its subordinates.

(a) (2) The total Federal sums appropriated by the Congress or allocated by the President to the Muscle Shoals project and the Tennessee Valley Authority. Also allocations made to power, navigation, flood control, or otherwise, and the cost charged to power recoverable to the Treasury of the United States.

(b) Any interference or handicaps placed in the way of the prompt, efficient, and economical administration of its functions by internal dissension among members of the Board of Directors of the Tennessee Valley Authority and what effect such dissension, if any, has had upon the work of the Authority.

(c) Whether any member of said Board has held office or is holding office in violation of the act creating the Tennessee Valley Authority; and whether any member of said Board has aided or assisted directly or indirectly any private power company or other private interest in the institution or defense of suits and injunctions affecting the administration of the functions of the Tennessee Valley Authority.

(d) Whether, and if so what, suits have been instigated by any private power company or other private interest seeking injunctions against the activities of the Board; and what effect, if any, such injunctions or suits have had upon the administration of the act according to its terms; what disposition has been made of any such injunction suits and what has been the expense incurred by the Tennessee Valley Authority in defending them; what disposition has been made of such suits in any superior court to which they have been appealed; and what, if any, has been the loss of revenue to the Authority on account of such suits.

(e) Any financial loss to municipalities or farm organizations caused by preventing their purchase of electric power from the Tennessee Valley Authority.

(f) What has been the effect, if any, upon the personnel and organization perfected by the Board under said act by the prosecution of such injunction suits or by the action of any member of the Board in giving aid or assistance to any private power company or other private interest in connection therewith.

(g) Any activities, if any, on the part of any private power company or other private interest in attempting by the expenditure of money or otherwise, the institution of legal proceedings or other means or methods to affect the action or decisions of municipalities or farm organizations in the Tennessee Valley Authority with respect to the purchase of electric power from the Authority.

(h) Any efforts, if any, made by private power companies or other private interests affecting the decisions or actions of municipalities or farm organizations with respect to the purchase of power from the Authority or acquiring title to their distributing systems.

(i) The facts as to whether, and to what extent, if any, have the public interests been injured or jeopardized by the activities of any private power companies or other private interests in attempting to prevent the Board from executing the provisions of said act.

(j) Whether or not said Authority has complied with that part of subsection (a) of section 8 of such act, as amended, which requires that the principal office of the Authority be maintained in the immediate vicinity of Muscle Shoals, Ala.

(k) Whether the charges made by Chairman Arthur E. Morgan that an attempt to defraud the Government of the United States has been made in connection with purchase of certain lands are true; whether the affairs of the Authority had been conducted in a clandestine manner, frequently without the knowledge or presence of the Chairman; whether by action of the majority members the Chairman has not had opportunity to present his views before congressional committees.

(l) Whether the Tennessee Valley Authority has exhibited partiality to large corporations by supplying power at a cheaper rate than available to municipalities and corporations by contracting for long periods of time a large majority of available hydroelectric power and by including in such industrial contracts provisions tantamount to a secret rebate in that delivery of "secondary" power is provided during the season of the year when only "firm" power is available from T. V. A. dams.

(m) Whether the Authority has complied with that part of section 14 of the T. V. A. Act, as amended, which requires (a) that the Tennessee Valley Authority should have submitted to Congress on January 1, 1937, its allocation of costs to the various activities under its control up to that time, and (b) that the Tennessee Valley Authority submit in each annual report thereafter its similar allocation of costs for the period covered in its report.

(n) Whether the Authority has interfered with the Comptroller General's audits of the Authority required to be submitted annually to Congress under section 14 of the act as amended.

(o) Whether it has offered unfair inducements to industrial organizations to leave their established locations and settle within the Tennessee Valley Authority territory.

(p) Whether it has forced rural customers to purchase expensive, unnecessary, and undesired electrical appliances under threat of refusing to supply electricity, and actually to have permitted potential customers to make heavy investments in appliances after which service was refused until further purchases were made of unnecessary and undesired electrical appliances.

(q) Whether by accounting methods and cost charges applicable to private industry, the electric rates of the Authority provide a legitimate, honest "yardstick" of equitable rates of private industry.

(r) Whether extravagance, mismanagement, and illegal conduct, if any, by the Board has dissipated funds appropriated to the Tennessee Valley Authority.

SEC. 3. The committee shall report to the Senate and House of Representatives as soon as practicable the results of its investigation, together with its recommendations, if any, for necessary legislation. The committee or any duly authorized subcommittee thereof is hereby authorized to sit at such times and in such places in the District of Columbia or elsewhere as it may deem necessary and proper in the performance of its duties. It is specifically authorized to require the attendance of witnesses by subpoena or otherwise; to require the production of books, papers, and documents; and to employ counsel, experts, clerical and other assistants; and to employ stenographers at the cost not to exceed 25 cents per hundred words.

The chairman of said committee or any member of a subcommittee may administer oaths to witnesses and sign subpoenas for witnesses which shall be served by any person designated by such chairman or member of a subcommittee.

The joint committee is authorized to have such printing and binding done as may be necessary and to make such expenditures as it deems advisable within the appropriation hereby authorized. Every person duly summoned by such joint committee or subcommittee thereof who refuses or fails to obey the summons or who fails to answer the questions pertinent to the investigation shall be punished by law.

The expenses of such investigation not exceeding in the aggregate of \$50,000 shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives upon vouchers approved by the chairman of the joint committee.

The chairman of the joint committee shall be selected by the joint committee. All hearings, orders, or decisions held before or made by the joint committee shall be public. The joint committee is authorized to utilize the services, information, facilities, and personnel of any department or agency in the executive branch of the Government in the performance of its duties.

CONSIDERATION OF UNOBJECTED-TO BILLS ON CALENDAR

The PRESIDING OFFICER. Under the unanimous-consent agreement entered into yesterday, the Senate will now proceed to the consideration of unobjected bills on the calendar.

Mr. BARKLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Connally	Holt	Nye
Andrews	Copeland	Hughes	O'Mahoney
Ashurst	Davis	Johnson, Calif.	Overton
Austin	Dieterich	Johnson, Colo.	Pittman
Bailey	Donahay	King	Pope
Bankhead	Duffy	La Follette	Raddcliffe
Barkley	Ellender	Lee	Reames
Berry	Frazier	Lodge	Reynolds
Bilbo	George	Logan	Schwartz
Bone	Gerry	Loneragan	Schwellenbach
Borah	Gibson	Lundeen	Sheppard
Bridges	Gillette	McAdoo	Shipstead
Brown, Mich.	Glass	McGill	Smathers
Brown, N. H.	Green	McKellar	Smith
Bulkley	Guffey	McNary	Thomas, Okla.
Bulow	Hale	Maloney	Thomas, Utah
Burke	Harrison	Miller	Townsend
Byrnes	Hatch	Milton	Tydings
Capper	Hayden	Minton	Vandenberg
Caraway	Herring	Murray	Wagner
Chavez	Hill	Neely	Walsh
Clark	Hitchcock	Norris	Wheeler

The PRESIDING OFFICER. Eighty-eight Senators have answered to their names. A quorum is present.

The clerk will proceed with the call of the calendar for the consideration of unobjected bills.

BILLS AND RESOLUTIONS PASSED OVER

The bill (S. 1436) providing for the employment of skilled shorthand reporting in the executive branch of the Government was announced as first in order.

Mr. VANDENBERG. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 419) to promote the general welfare through the appropriation of funds to assist the States and Territories in providing more effective programs of public education was announced as next in order.

Mr. VANDENBERG. I also ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 847) to prevent the use of Federal official patronage in elections and to prohibit Federal officeholders from misuse of positions of public trust for private and partisan ends was announced as next in order.

Mr. DUFFY. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2106) for the allowances of certain claims not heretofore paid, for indemnity for spoiliations by the French, prior to July 31, 1801, was announced as next in order.

Mr. MCKELLAR. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1760) to promote the safety of scheduled air transportation, was announced as next in order.

Mr. MCKELLAR. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2) to amend the Interstate Commerce Act, as amended, by providing for the regulation of the transporta-

tion of passengers and property by aircraft in interstate commerce, and for other purposes, was announced as next in order.

Mr. McKELLAR. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 6215) to repeal provisions of the income tax requiring lists of compensation paid to officers and employees of corporations was announced as next in order.

Mr. McKELLAR. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2410) to amend the Judicial Code, as amended, was announced as next in order.

Mr. AUSTIN. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (S. J. Res. 144) proposing an amendment to the Constitution of the United States prohibiting child labor was announced as next in order.

Mr. KING. I ask that the joint resolution be passed over.

The PRESIDING OFFICER. The joint resolution will be passed over.

The bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching was announced as next in order.

Mr. McKELLAR. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2482) to provide for the assignment of officers of the Navy for duty under the Department of Commerce and appointment to positions therein was announced as next in order.

Mr. VANDENBERG. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The resolution (S. Res. 140) authorizing an investigation of the delivery or nondelivery of mail to establishments where industrial strife is in progress was announced as next in order. The resolution had been reported from the Committee on Post Offices and Post Roads adversely.

Mr. McKELLAR. Let the resolution go over.

The PRESIDING OFFICER. The resolution will be passed over.

The bill (S. 2024) to amend the civil-service law to permit certain employees of the legislative branch of the Government to qualify for positions under the competitive classified civil service was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 589) prohibiting the operation of motor vehicles in interstate commerce by unlicensed operators was announced as next in order.

Mr. KING. Mr. President, that is a very important bill. The chairman of the committee is not present at the moment. I suggest that the bill be temporarily laid aside.

The PRESIDING OFFICER. The bill will be passed over.

CONNECTICUT RIVER VALLEY FLOOD CONTROL—INTERSTATE COMPACT

The Senate proceeded to consider the joint resolution (S. J. Res. 177) consenting to an interstate compact relating to flood control in the Connecticut River Valley, which had been reported from the Committee on Commerce with amendments.

The first amendment was, on page 15, in article VI, line 13, after the word "shall", to strike out "have" and insert "save", so as to read:

ARTICLE VI

The Commission shall save the States in which such reservoirs are located free and harmless from all loss, cost, damage, or expense in connection with the control, operation, and maintenance of such reservoir or reservoirs except as hereinafter provided in articles IX and XI.

The amendment was agreed to.

The next amendment was, in article X, on page 23, line 8, after the word "and" at the beginning of the line, to strike out "purposes" and insert "purpose", so as to read:

Provided, however, That it is the understanding, intent, and purpose of the parties hereto, that the cost of acquisition of lands, easements, and rights-of-way for eight reservoirs, provided for

herein, shall not exceed the sum of \$2,700,000 and that the drainage area of the Connecticut River Basin to be controlled thereby shall be approximately 7.61 percent thereof.

The amendment was agreed to.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved, etc., That the consent of Congress is hereby given to an interstate compact relating to flood control in the Connecticut River Valley, negotiated and entered into under authority of section 4 of the Flood Control Act of 1936 (U. S. C., 1934 ed., Supp. II, title 33, sec. 701d) and ratified by the States of Connecticut, Massachusetts, New Hampshire, and Vermont, which compact reads as follows:

ARTICLE I

"The principal purposes of this compact are:

"(a) To promote interstate comity among and between the signatory States;

"(b) To provide adequate storage capacity for impounding the waters of the Connecticut River and its tributaries, designed primarily for the protection of life and property from floods;

"(c) To provide a joint or common agency through which the signatory States, while promoting, protecting, and preserving to each the local interest and sovereignty of the respective signatory States, may more effectively cooperate in accomplishing the object of flood control in the basin of the Connecticut River and its tributaries, and, among other things:

"(1) To acquire by lease from the States signatory hereto, or some of them, all lands, easements, and rights-of-way necessary for the construction of the projects herein contemplated, without cost to the United States, except as provided in said act of Congress hereinbefore referred to;

"(2) To hold and save the United States free from damages due to the construction works;

"(3) To maintain and operate all the works herein contemplated after completion in accordance with regulations prescribed by the Secretary of War;

"(4) To accept from the signatory States hereto, and from any other source, contributions of moneys as hereinafter set forth for the purposes herein set forth, including without limiting the same, funds for the acquisition of lands, easements, and rights-of-way, for the payment of damages, and for the operation and maintenance of said flood-control reservoirs, and the expenses incidental thereto, and to the functions of the Connecticut River Valley Flood Control Commission hereinafter created.

ARTICLE II

"There is hereby created 'The Connecticut River Valley Flood Control Commission,' hereinafter referred to as the Commission, which shall consist of 12 commissioners, 3 of whom shall be residents of the Commonwealth of Massachusetts; 3 of whom shall be residents of the State of Connecticut; 3 of whom shall be residents of the State of New Hampshire; and 3 of whom shall be residents of the State of Vermont.

"The members of said Commission shall be chosen by their respective States in such manner and for such term as may be fixed and determined from time to time by the law of each of said States, respectively, by which they are appointed. A commissioner may be removed or suspended from office as provided by the law of the State for which he shall be appointed; and any vacancy occurring in said Commission shall be filled in accordance with the laws of the State wherein such vacancy exists.

"A majority of the members from each State shall constitute a quorum for the transaction of business, the exercise of any powers or the performance of any duties, but no action of the Commission shall be binding unless at least two of the members from each State shall vote in favor thereof.

"The compensation of the members of said Commission shall be fixed, determined, and paid by the State which they respectively represent. All necessary expenses incurred in the performance of their duties shall be paid from the funds of said Commission.

"The Commission shall elect from its members a chairman, vice chairman, clerk, and treasurer. Such treasurer shall furnish to said Commission, at its expense, a bond with corporate surety, to be approved by said Commission, in such amount as said Commission may determine, conditioned for the faithful performance of his duties.

"The Commission shall adopt suitable bylaws, and shall make such rules and regulations as it may deem advisable governing the operation of flood-control projects not inconsistent with the laws of the signatory States or laws of the United States, and any rules or regulations lawfully promulgated thereunder.

"The Commission shall make an annual report to the Governor of each of the signatory States, setting forth in detail the operations and transactions conducted by it pursuant to this compact and any legislation thereunder, which said reports shall be submitted to the respective legislatures.

"The Commission shall keep a record of all its meetings and proceedings, contracts, and accounts, and shall maintain a suitable office, where its maps, plans, documents, records, and accounts shall be kept, subject to public inspection at such times and under such regulations as the Commission shall determine.

ARTICLE III

"The Commission shall constitute a body, both corporate and politic, with full power and authority—

"(1) To acquire by lease and to hold lands, easements, and rights-of-way for reservoirs herein contemplated, and for the use and enjoyment thereof;

"(2) To hold, maintain, and operate reservoirs, including appurtenances, for the purposes of flood control;

"(3) To receive funds and moneys from the signatory States or other sources, for the purpose of acquiring, operating, and maintaining such reservoirs as may hereafter be constructed within the basin of the Connecticut River under the terms of this compact, including, without limiting the same, funds for the acquisition of lands, easements, and rights-of-way, for the payment of damages and for the maintenance and operation of said reservoirs, and the expenses incidental thereto and to the functions of the Commission;

"(4) To sue and be sued;

"(5) To have a seal and alter the same at pleasure;

"(6) To appoint and employ such agents and employees as may be required in the proper performance of the duties hereby committed to it, and to fix and determine their qualifications, duties, and compensation;

"(7) To enter into such contracts and agreements, and to do and perform any and all other acts, matters, and things as may be necessary and essential to the full and complete performance of the powers and duties hereby committed to and imposed upon it in connection with the construction, operation, and maintenance of the system of reservoirs hereby or hereafter authorized and as may be incidental thereto; and

"(8) To have such additional powers and duties as may hereafter be delegated to or imposed upon it from time to time by the action of the legislature of any of said States, concurred in by the legislatures of the other States.

"The Commission shall be charged with the duty, and it is hereby authorized and empowered, to give such assurances, satisfactory to the Secretary of War, as are required by section 3 of the act of Congress hereinbefore referred to.

"The Commission shall make, or cause to be made, such studies as it may deem necessary, in cooperation with the War Department, for the development of a comprehensive plan of flood control, as herein defined, and for the efficient management and regulation of said flood-control system, and from time to time shall make reports and recommendations in respect thereto to the signatory States.

"The Commission shall not pledge the credit of the signatory States, or any of them, nor shall it convey, encumber, or in any way undertake to alienate the lands, easements, and rights-of-way so leased to it, as hereinafter provided, or any part thereof, or any interest therein, except by and with the consent of the signatory States.

"ARTICLE IV

"There shall be established in the Connecticut River basin as an initial plan of flood control 8 of the following 11 proposed reservoirs, to wit:

"(a) Three of the four following reservoirs in the State of Vermont:

"(1) At Victory on the Moose River, controlling a drainage area of approximately sixty-six (66) square miles, and providing flood-control storage for approximately seven (7) inches of run-off over said drainage area, the dam at said reservoir to be constructed in such manner as to provide for flood control, and in addition thereto to be so designed and constructed as to provide for further development by increasing the storage capacity, the added storage to be used for water conservation or power development at the option of the State of Vermont.

"(2) At Union Village on the Ompompanoosuc River, controlling a drainage area of approximately one hundred twenty-six (126) square miles, and providing flood-control storage for approximately four and one-half (4½) inches of run-off over said drainage area, the dam at said reservoir to be constructed in such manner as to provide for flood control and also for a recreational lake, to be maintained during the summer months at a substantially constant minimum level, to be fixed by the Chief of Engineers of the United States Army, except when increased temporary storage is required for flood control.

"(3) At North Hartland on the Ottauquechee River, controlling a drainage area of approximately two hundred twenty-two (222) square miles, and providing flood-control storage for approximately four and one-tenth (4.1) inches of run-off over said drainage area, the dam at said reservoir to be for flood-control purposes only.

"(4) At Groton Pond on the Wells River, controlling a drainage area of approximately seventeen and three-tenths (17.3) square miles, and providing flood-control storage for approximately seven (7) inches of run-off over said drainage area, and the dam at said reservoir to be constructed in such manner as to provide for flood control and also for a recreational lake, the level of the water to be maintained during the summer months at a substantially constant minimum level, to be fixed by the Chief of Engineers of the United States Army, except when increased temporary storage is required for flood control.

"(b) Three reservoirs in the State of New Hampshire, as follows:

"(1) At Bethlehem Junction on the Ammonoosuc River, controlling a drainage area of approximately ninety (90) square miles, and providing flood-control storage for approximately six (6) inches of run-off over said drainage area, the dam at said reservoir to be constructed in such manner as to provide for flood control and also for a recreational lake to be maintained during the summer months at a substantially constant minimum level, to be fixed by

the Chief of Engineers of the United States Army, except when increased temporary storage is required for flood control.

"(2) At Stocker Pond in the towns of Grantham and Springfield, controlling a drainage area of approximately thirty-four and four-tenths (34.4) square miles, and providing flood-control storage for approximately six (6) inches of run-off over said drainage area, the dam at said reservoir to be constructed for flood control, and in addition thereto to be so designed and constructed as to provide for further development by increasing the storage capacity, the added storage to be used for water conservation or power development, at the option of the State of New Hampshire.

"(3) At Surry Mountain on the Ashuelot River, controlling a drainage area of approximately one hundred (100) square miles, and providing flood-control storage for approximately six (6) inches of run-off over said drainage area, the dam at said reservoir to be constructed in such manner as to provide for flood control, and in addition thereto to be so designed and constructed as to provide for further development by increasing the storage capacity, the added storage to be used for water conservation or power development, at the option of the State of New Hampshire.

"(c) Two of the four following reservoirs in the Commonwealth of Massachusetts:

"(1) At Knightville on the Westfield River, controlling a drainage area of approximately one hundred sixty-four (164) square miles, and providing flood-control storage for approximately four and five-tenths (4.5) inches of run-off over said drainage area, the dam at said reservoir to be constructed in such manner as to provide for flood control, and in addition thereto to be so designed and constructed as to provide for the further development by increasing the storage capacity, the added storage to be used for water conservation or power development, at the option of the Commonwealth of Massachusetts; or to be constructed in such manner as to provide for flood control and also for a recreational lake to be maintained during the summer months at a substantially constant minimum level, to be fixed by the Chief of Engineers of the United States Army, except when increased temporary storage is required for flood control, as said Commonwealth of Massachusetts may elect.

"(2) At Tully on the Tully Brook, a tributary of Millers River, controlling a drainage area of approximately 50 square miles, and providing flood-control storage for approximately 8 inches of run-off over said drainage area, the dam at said reservoir to be constructed in such manner as to provide for flood control, and in addition thereto to be so designed and constructed as to provide for further development by increasing the storage capacity, the added storage to be used for water conservation or power development, at the option of the Commonwealth of Massachusetts; or to be constructed in such manner as to provide for flood control and also for a recreational lake to be maintained during the summer months at a substantially constant minimum level, to be fixed by the Chief of Engineers of the United States Army, except when increased temporary storage is required for flood control, as said Commonwealth of Massachusetts may elect.

"(3) At Priest Pond in Priest Brook, a tributary of Millers River, controlling a drainage area of approximately 18.8 square miles, and providing flood-control storage for approximately 6 inches of run-off over said drainage area, the dam at said reservoir to be constructed in such manner as to provide for flood control, and in addition thereto to be so designed and constructed as to provide for further development by increasing the storage capacity, the added storage to be used for water conservation or power development, at the option of the Commonwealth of Massachusetts; or to be constructed in such manner as to provide for flood control, and also for a recreational lake to be maintained during the summer months, at a substantially constant minimum level, to be fixed by the Chief of Engineers of the United States Army, except when increased temporary storage is required for flood control, as said Commonwealth of Massachusetts may elect.

"(4) At Lower Naukeag on the Millers River, controlling a drainage area of approximately 19.7 square miles, and providing flood-control storage for approximately 5.1 inches of run-off over said drainage area, the dam at said reservoir to be constructed in such manner as to provide for flood control and also for a recreational lake, to be maintained during the summer months at a substantially constant minimum level, to be fixed by the Chief of Engineers of the United States Army, except when increased temporary storage is required for flood control.

"The type and general plans for the construction of the eight reservoirs herein provided to be constructed as an initial plan of flood control on the Connecticut River Basin are to be approved by the Connecticut River Valley Flood Control Commission, hereinafter created, before any construction work thereon is begun or prosecuted.

"Insofar as any of the foregoing reservoirs may be constructed for the combined purpose of flood control and recreational facilities, none of the signatory States wherein such reservoirs are located shall be obligated to pay any additional cost of construction.

"ARTICLE V

"To the end that the Connecticut River Valley Flood Control Commission may give to the Secretary of War the assurances required under section 3 of the act of Congress hereinbefore referred to, and that the lands, easements, and rights-of-way necessary for the construction by the United States of the reservoirs and structures thereon, herein contemplated, may be provided each State at the request of said Commission shall proceed forthwith

to acquire title to and possession of the lands, easements, and rights-of-way within its territorial limits, which are determined and designated by the Commission for the construction of such reservoir or reservoirs.

"Such acquisition shall be by purchase or by the exercise of the right of eminent domain, as said Commission may direct, and in the manner now or hereafter provided for by the laws of the States wherein such lands, easements, and rights-of-way are located. Title to such lands, easements, and rights-of-way shall be taken in the name of the State wherein the same are located. The cost of acquisition, as hereinafter defined, shall be borne by said Commission and paid from and out of the funds contributed by the signatory States for such purpose, as hereinafter provided.

"Each State, upon notice from and at the sole expense of said Commission, shall forthwith proceed to make, or cause to be made, such highway relocations, including the acquisition of all necessary rights-of-way therefor, and the construction of such relocated highway, as may become necessary therein because of the construction, operation, and maintenance of any reservoir or reservoirs for flood-control purposes: *Provided, however,* That due allowance shall be made on account of any improved type of construction of such relocated highway. The character, location, route, and construction of such relocated highways shall be determined by the State wherein such relocated highway is situated, or by its representatives.

"In like manner, such State, at the expense of the Commission, and upon its request, shall procure the relocation of any railroad, electric transmission, telephone or telegraph lines, or other public-utility structures, including new rights-of-way therefor as may be essential on account of the construction, operation, and maintenance of such reservoir for flood-control purposes.

"ARTICLE VI

"The Commission shall have the States in which such reservoirs are located free and harmless from all loss, cost, damage, or expense in connection with the control, operation, and maintenance of such reservoir or reservoirs except as hereinafter provided in articles IX and XI.

"The Commission or the War Department in the construction and maintenance of such reservoir or reservoirs shall cause the area which may be flowed thereby when full, to be cleared of buildings and all such trees, brush, and underbrush as from time to time may be damaged or killed by such flowage; shall cause borrow pits or banks, other excavations, or unused accumulations of material and debris, to be leveled, graded, masked, removed, or otherwise disposed of in such a way as to leave no holes or other unsightly conditions therein; and shall cause all water pockets to be properly drained and the premises affected by such flowage to be landscaped in such manner as may reasonably preserve the natural condition of such premises before such construction, except as the same necessarily may be changed thereby.

"The lands, easements, and rights-of-way leased shall be exempt from all taxation but the said Commission shall make payments on or before the 1st day of October of each year to each town in which such lands, easements, and rights-of-way, respectively, are located, of a sum equal to the taxes which would have been assessed against the said lands, easements, and rights-of-way in such town if the same had been included in the list of taxable property for such year, at the assessed valuation of the same as determined for the tax year 1936. *Provided, however,* That no payments shall be made or required hereunder on account of reimbursement for loss of taxes on any structure which may be erected on such premises in connection with the construction or use of said project, or on account of any railroad or other public utility which may be relocated under the terms of this compact, and which is included in the list of taxable property in said town when relocated.

"When said lands, easements, and rights-of-way essential to the construction of any dam or reservoir shall have been acquired as hereinbefore provided, the State wherein the same are located shall make, execute, and deliver to said Commission a good and sufficient lease of the same, to include the structures thereon when completed and accepted by the State, except as hereinafter provided, upon the terms and conditions following, to wit:

"(a) The said Commission shall save the State in which said reservoirs are respectively located, free and harmless from all loss, cost, damage, or expense in connection with the control, operation, and maintenance of said reservoir or reservoirs, except as hereinafter provided in articles IX and XI.

"(b) In the construction and maintenance of such reservoir or reservoirs, the area which may be flowed thereby, when full, shall be cleared of buildings and of such trees, brush, and underbrush as from time to time may be damaged or killed by such flowage; borrow pits or banks, other excavations, or unused accumulations of material and debris, shall be leveled, graded, masked, removed, or otherwise disposed of in such a way as to leave no holes or other unsightly conditions therein; all water pockets shall be properly drained; and the premises affected by such flowage shall be landscaped in such manner as may reasonably preserve the natural condition of such premises before such construction, except as the same necessarily may be changed thereby.

"(c) The lands, easements, and rights-of-way hereby leased shall be exempt from all taxation; but the said Commission shall make payments on or before the 1st day of October of each year to each town in which such lands, easements, and rights-of-way, respectively, are located, of a sum equal to the taxes which would have

been assessed against the said lands, easements, and rights-of-way in such town if the same had been included in the list of taxable property for such year, at the assessed valuation of the same as determined for the tax year 1936: *Provided, however,* That no payment shall be made or required hereunder on account of reimbursement for loss of taxes on any structure which may be erected on such premises in connection with the construction or use of said project; or on account of any railroad or other public utility which may be relocated under the terms of this agreement, and which thereafter is included in the list of taxable property in said town when relocated.

"(d) The lands, easements, and rights-of-way herein described are leased and demised solely for the purpose of flood control and for no other purpose, and the said lessor hereby excepts from this lease and reserves unto itself all benefit or advantage of water conservation, power storage, or power development that may be inherent in such reservoir site, with the right, at such time as it may determine, and upon compliance with the requirements of the United States respecting the adjustment and payment of any added construction cost by reason of the type of construction adapted for that purpose, and the assumption and payment of the cost of acquiring any additional lands, easements, and rights-of-way necessitated by such additional development, and the full preservation of the principal purpose of flood control, to develop the same in such manner and for such purpose as may be essential to the full beneficial use thereof.

"(e) The term of said lease shall be for the period of 999 years, subject only to be defeated by a breach of the terms or the conditions in this article set forth.

"ARTICLE VII

"The cost of acquisition of lands, easements, and rights-of-way, as used or referred to herein, shall be deemed to include the cost of:

"(1) The purchase or condemnation of lands, easements, and rights-of-way of every kind and nature required or essential in the construction, development, operation, and maintenance of such reservoirs as an effective agency for flood control, and including, among other things, camp sites, borrow banks or pits, rock ledges, gravel deposits, and rights-of-way thereto in the vicinity of the dam necessary for the construction and maintenance thereof. Such camps are to be removed and the sites thoroughly cleaned up at no cost to the States or Commission before being relinquished by the United States upon the completion of the construction work;

"(2) The reconstruction, relocation, or elevation of public highways, including bridges or other structures;

"(3) The reconstruction or relocation of public-service utilities, including railroads, and the alteration of bridges and structures thereon, whether publicly or privately owned;

"(4) The reconstruction or relocation of telegraph, telephone, or electric light or power distribution and transmission lines, pipe lines, aqueducts, water or gas mains; and

"(5) Any other damages, expenses, or costs that may be necessitated or incurred in procuring and providing the sites necessary for the construction of the reservoirs herein contemplated, including the cost and expense of acquiring such lands, easements, and rights-of-way, and procuring the reconstruction or relocation of the highways, bridges, railroads, telephone, telegraph, and electric lines, pipes, aqueducts, and mains above mentioned, or the rights-of-way for the same, or any other similar expenditures.

"ARTICLE VIII

"The rights to be acquired and exercised by the Commission are solely for flood-control purposes, and each of the respective signatory States wherein any reservoir may be situated reserves respectively unto itself all benefit or advantage of water conservation, power storage, or power development that may be inherent in such reservoir site.

"In the event any signatory State may wish to preserve to itself the value of such site for the purposes aforesaid, it may, through an appropriate agency of the State, so notify the United States, through its War Department, before any construction work is commenced hereunder for flood-control purposes, so that the design and construction of the dam at such site may be developed in such manner as to provide for further development as a storage reservoir for the conservation of water, enhancement of stream flow, or power development.

"*Provided, however,* That nothing herein contained shall be deemed to prevent any such State, at its option, at any time hereafter, by itself or through such agency as it may designate, from developing any such reservoir or reservoirs for use for water conservation, power storage, or power development, in order that it may avail itself of the full beneficial use and enjoyment of the rights herein reserved. In such event such State shall pay or provide for the payment of all costs or expenses necessary for such further development, including adaptation of any existing dam and works to such purpose, in accordance with plans approved by the Secretary of War, and at all times fully preserve the primary purpose of flood control.

"The terms and conditions under which any such signatory State shall make available the rights of water conservation, power storage, or power development herein reserved shall be determined by separate agreement or arrangement between such State and the United States, and the type and general plans for the construction of such of the reservoirs as are herein contemplated to provide for such further development shall be approved by some agency of such State, for that purpose duly authorized, before any construction thereon is begun or prosecuted.

"ARTICLE IX

"In order that an adequate fund may be established and created from which payments for the acquisition of lands, easements, and rights-of-way may be made, the signatory States become bound and each hereby obligates itself to pay to the Commission the proportion of the cost of acquisition of lands, easements, and rights-of-way respectively set forth below, and subject to the limitations hereinafter provided, as follows:

"(1) The Commonwealth of Massachusetts 50 percent thereof.

"(2) The State of Connecticut 40 percent thereof.

"(3) The State of New Hampshire 5 percent thereof.

"(4) The State of Vermont 5 percent thereof.

"Provided, however, that it is the understanding, intent and purpose of the parties hereto, that the cost of acquisition of lands, easements and rights-of-way for eight reservoirs, provided for herein, shall not exceed the sum of \$2,700,000 and that the drainage area of the Connecticut River Basin to be controlled thereby shall be approximately 7.61 percent thereof; and it is expressly provided that the maximum amount to which each of the signatory States shall be bound or obligated for cost of acquisition of lands, easements, and rights-of-way on account of said eight reservoirs shall not exceed the respective proportions hereinbefore set forth of said sum of \$2,700,000.

"The fiscal year shall be deemed to begin on July 1 and end on June 30. Payment by the signatory States of the cost of acquisition shall be made as and when requested by the Commission on or after July 1, 1937; provided that not more than one-half of said sum of \$2,700,000 shall be required to be paid in any fiscal year after said date.

"ARTICLE X

"In the execution of the initial plan of eight reservoirs herein contemplated said Commission, with the approval of the Secretary of War, shall determine the order in which the construction work of the same shall be commenced and prosecuted, except that it is hereby declared to be the intent and purpose of the signatory States that construction work shall be first begun on one reservoir project located in the Commonwealth of Massachusetts and upon one reservoir project located respectively in each of the States of New Hampshire and Vermont before further construction work is begun on any other reservoir.

"The initial plan for the construction of eight reservoirs herein mentioned and provided for is part of a long range comprehensive program for flood control on the Connecticut River and its tributaries, the object and purpose of the signatory States being to enlarge and expand such flood control projects to an ultimate control, including the reservoirs hereinabove mentioned of approximately 21 percent of the drainage area thereof, at a total maximum cost to the signatory States, including the cost herein specified, of not to exceed \$10,575,000; and the contributions by the respective signatory States, in the proportions hereinbefore set forth, shall not in any event exceed the total amount above stated.

"In the further development of such comprehensive program, said Commission shall determine from time to time the site, character, location, and extent of such additional reservoirs, subject to the approval of the legislature of the State in which the same may be located.

"ARTICLE XI

"Each of the signatory States shall annually contribute and pay to the Commission the respective proportions of the expense of operation and maintenance of the flood control reservoirs hereafter constructed under the terms of this agreement, as follows:

"The Commonwealth of Massachusetts 50 percent thereof,

"The State of Connecticut 40 percent thereof,

"The State of New Hampshire 5 percent thereof,

"The State of Vermont 5 percent thereof, and each of said States shall make adequate provision for compliance on its part with the provisions of this article, and the same shall be made available as and when required upon the requisition of the Commission.

"As a part of the expense of operation and maintenance of said reservoirs the Commission shall assume and pay to the respective towns entitled thereto the cost of reimbursement for loss of taxes, as set forth and required in subparagraph (c) in article VI hereof, and shall pay all costs incident to or damages resulting from the operation and maintenance of such flood-control reservoirs, and shall save the United States free and harmless on account thereof, and shall pay all other costs or expenses which may be necessary in the operation and maintenance thereof, including the expenses of the members of said Commission hereinbefore provided to be paid out of the funds of said Commission.

"ARTICLE XII

"Each of the signatory States hereby releases and discharges the others of and from all damages, which may be claimed to result from the obstruction, detention, impounding, storage, release, or diversion of the waters of said Connecticut River and its tributaries, insofar as the same may be in any way affected by the construction, operation, or maintenance of the reservoirs herein contemplated.

"ARTICLE XIII

"This compact shall become operative and effective when approved by the legislatures of each of the signatory States and by the Congress of the United States. Notice of approval shall be given by the Governor of each State to the Governors of the other States and to the President of the United States, and the President of the United States is requested to give notice to the Gov-

ernors of each of the signatory States of its approval by the Congress of the United States."

Sec. 2. The right to alter, amend, or repeal the provisions of section 1 is hereby expressly reserved.

Mr. MINTON subsequently said: I ask unanimous consent to revert to Calendar No. 979, being Senate Joint Resolution 177.

Mr. LODGE. I object.

The PRESIDING OFFICER. Objection is made.

Mr. LA FOLLETTE subsequently said: Mr. President, I should like to have the attention of the Senator from Massachusetts. I was called from the Chamber, and Calendar No. 979, Senate Joint Resolution 177, consenting to an interstate compact relating to flood control in the Connecticut River Valley was passed during my absence. I have objected to the consideration of the joint resolution on every occasion. I think it is a very important measure, and I hope there will be no objection to my request that the vote by which it was passed be reconsidered, and that it be restored to the calendar, because I think we should have an opportunity to debate the issues which are involved in it.

Mr. LODGE. I object, Mr. President.

Mr. LA FOLLETTE. Then, I give notice that I shall enter a motion to reconsider. I wish to say to the Senator from Massachusetts that I think his objection is entirely out of keeping with the spirit of unanimous-consent agreements. When a Senator has objected to a measure on every previous occasion and happens to leave the Chamber to respond to a call from some constituent, and the measure is passed in his absence, there should be no objection interposed to reconsideration when the calendar is being considered under unanimous consent.

The PRESIDING OFFICER. Objection is heard.

Mr. LA FOLLETTE subsequently said: Mr. President, I enter a motion to reconsider the vote by which the Senate passed the joint resolution (S. J. Res. 177) consenting to an interstate compact relating to flood control in the Connecticut River Valley.

The PRESIDING OFFICER. The motion will be entered.

JOINT RESOLUTIONS AND BILLS PASSED OVER

The joint resolution (S. J. Res. 178) consenting to an interstate compact relating to flood control in the Merrimack River Valley was announced as next in order.

Mr. MINTON. I ask that the joint resolution go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

The bill (S. 1351) to amend the Packers and Stockyards Act, 1921, as amended and for other purposes was announced as next in order.

Mr. VANDENBERG. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 2904) for the relief of officers and soldiers of the volunteer services of the United States mustered into service for the War with Spain and who were held in service in the Philippine Islands after ratification of the treaty of peace April 11, 1899, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2791) to amend the Agricultural Adjustment Act as amended, by including hops as a commodity to which orders under such act are applicable was announced as next in order.

Mr. DUFFY. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

INCLUSION OF HOPS AS AGRICULTURAL COMMODITY

The bill (H. R. 7836) to amend the Agricultural Adjustment Act, as amended, by including hops as a commodity to which orders under such act are applicable, was announced as next in order.

Mr. McNARY. Mr. President, I desire to have considered House bill 7836 and to offer an amendment to it.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. DUFFY. Mr. President, I asked that Calendar No. 1084, being Senate bill 2791, be passed over, and apparently Calendar No. 1085, being House bill 7836, contemplates the same object, and I make the same request as to it.

Mr. McNARY. Mr. President, I think I can explain it to the Senator, if he will withhold his objection.

Mr. DUFFY. I withhold the objection for the time being.

Mr. McNARY. First, Mr. President, I ask that the amendment I desire to offer be stated.

The PRESIDING OFFICER. The amendment proposed by the Senator from Oregon will be stated.

The CHIEF CLERK. On page 1, after line 8, it is proposed to add the following new section:

Sec. 3. No order issued pursuant to section 8c of the Agricultural Adjustment Act, as amended, shall be applicable to hops except during the 2 crop years next succeeding the date of enactment of this act.

Mr. McNARY. Mr. President, the bill as passed by the other House did not contain the amendment I am now offering, and there have been some objections to it. The bill merely proposes to make hops subject to the marketing agreement provisions of the Agricultural Adjustment Act and does not provide for a processing tax. The amendment limits the operation of the bill to 2 years. There were meetings of the brewers, the hop growers, and dealers held this year at San Francisco and one or two other points. They agreed upon this amendment.

I have a letter from the United States Brewers' Association and the American Brewers' Association, whose representatives were at the meetings, and who, in connection with the Department of Agriculture and growers of hops and the dealers have agreed upon this proposed experiment for 2 years under an orderly marketing-agreement contract.

The hop growers in Washington and Oregon where hops are principally produced are practically bankrupt. The brewers realize that, and are not able to lend the hop growers money, and the banks will not lend them money to start cultivation in 1938 and provide for the necessary spraying unless a marketing agreement of this kind is entered into.

The brewers and the hop growers at three meetings, one in Washington, one in California, and one at another place, agreed upon this amendment to be limited to 2 years as affecting a marketing agreement. I have their letters here and should like to place them in the RECORD as a part of my remarks.

I think with that statement the able Senator from Wisconsin will understand that the situation has changed largely from that which obtained last year.

Mr. DUFFY. Mr. President, the Senator from Oregon knows that on several occasions I have objected to the consideration of the bill because there are people in my State who thought it would be unwise for the bill to become a law. I have heard nothing to the contrary since, except the statement which the Senator from Oregon has just made. I would have thought, knowing that I had objected time after time, if there had been some change the Senator might have conferred with me about it, and I might have had an opportunity to look into it. I am not sure that I shall urge the objection, but I think now, hoping the calendar will soon be called again, I must interpose the objection. I will take the matter up with the Senator, and, undoubtedly, if the condition is as it appears on its face, I will withdraw any objection. I have not heard anything about the matter from those who are interested and who have communicated with me, and I should like to look into it further.

Mr. McNARY. Will the Senator be able to confer with his constituents within the next 2 or 3 days?

Mr. DUFFY. I think so.

Mr. McNARY. Mr. President, as part of my remarks, I should like to have the RECORD indicate that there is no objection on the part of the brewers of the country, and I ask that two letters be printed in the RECORD. I will confer with the able Senator from Wisconsin, and I am sure, after he consults the constituents, there will be no further objection.

The PRESIDING OFFICER. Without objection, the letters will be printed in the RECORD.

The letters referred to are as follows:

UNITED STATES BREWERS' ASSOCIATION,
New York, February 23, 1938.

HON. CHARLES L. McNARY,

United States Senate, Washington, D. C.

MY DEAR SENATOR McNARY: Reference is made to conferences and correspondence had with you on the subject of H. R. 7836 and S. 2791, bills to amend the Agricultural Adjustment Act so as to make hops subject to the marketing agreement provisions of that act.

As you know, on January 31 a series of conferences were held on the west coast by the representatives of hop growers, hop dealers, and brewers. As a result of these conferences, our committee, representing the United States Brewers' Association, recommended that our association withdraw its opposition to the McNary bill, provided an amendment to such bill was added limiting the operation of same for a period of 2 crop years following enactment of the measure. This action on the part of our committee was in accordance with the resolution adopted by the conference. We are happy to inform you that our association executive committee not only approved the recommendation of the committee but affirmatively went on record as favoring the enactment of such an amended bill and directed the executive secretary to address a communication to all brewers urging them to support the measure.

We would have communicated with you prior to this time, except for the fact that until our executive committee had acted, we could not, of course, speak for the association. As you know, Mr. Paulus, representing the hop growers, is in Washington and this afternoon we are conferring with him and representatives of the Agriculture Department, to the end that everything possible may be done in contemplation of approval of the legislation to expedite the practical application of the same.

May we express to you our sincere appreciation of the courtesy extended to us in connection with the consideration of your bill.

Very truly yours,

JNO. LEWIS SMITH.

AMERICAN BREWERS' ASSOCIATION,
Chicago, February 26, 1938.

HON. CHARLES L. McNARY,

United States Senate, Washington, D. C.

DEAR SIR: I beg to advise you that H. R. 7836, with the inclusion of the amendment intended to be proposed by you to the Agricultural Adjustment Act, as amended, by including hops as a commodity to which orders under such act are applicable for two crop years next succeeding the enactment of the act, was considered by the board of directors of this association yesterday, and H. R. 7836, with the amendment, meets with the support of this association.

Sincerely,

AMERICAN BREWERS' ASSOCIATION,
RALPH T. KETTERING, Secretary.

Mr. SCHWELLENBACH. Mr. President, I wonder if I might suggest to the Senator from Wisconsin that he permit the bill to be passed at this time, with the understanding that he may enter a motion to reconsider, and then, if he gets word that the agreement which the Senator from Oregon has explained is not satisfactory, he could ask for action on the motion to reconsider? The chances are that we will go along for 2 or 3 weeks, and this matter, which is of vital importance for this year's crop, will remain in abeyance. The Senator will be perfectly protected with the understanding that we will not object to a motion to reconsider if he should make one.

Mr. DUFFY. I prefer to have the objection stand for the present. I do not know whether I can obtain the information in 1 or 2 days or 3 days. I should like to accommodate the Senator, but I think we can get this matter up shortly.

The PRESIDING OFFICER. Objection is made. The bill will be passed over.

BILLS PASSED OVER

The bill (S. 2206) to provide for the transfer of enlisted men of the Coast Guard to the Fleet Naval Reserve was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 1355) for the relief of Lawrence E. Thomas was announced as next in order.

Mr. KING. Mr. President, that bill was objected to at the last session at which the Calendar was considered; so I ask that it go over.

The PRESIDING OFFICER. The bill will be passed over.

EMPLOYMENT BY W. P. A. OF PERSONS UNABLE TO FIND PRIVATE EMPLOYMENT

The joint resolution (S. J. Res. 176) favoring employment by the Works Progress Administration of persons unable to find employment in private industry was announced as next in order.

Mr. KING. Let the joint resolution go over.

Mr. COPELAND. Mr. President, I desire to ask a question about Senate Joint Resolution 176.

The PRESIDING OFFICER. The joint resolution has gone over on objection.

Mr. KING. I objected to its consideration.

Mr. COPELAND. Will the Senator withhold his objection?

Mr. KING. Yes.

Mr. COPELAND. I ask the author of the joint resolution, the Senator from Washington [Mr. SCHWELLENBACH], if we cannot create enough sentiment to pass it. I am very much in favor of it. I said so once before on the floor of the Senate. I should like to join the Senator from Washington in trying to do away with the opposition to the joint resolution.

Mr. McKELLAR. Mr. President, will the Senator from New York or the Senator from Washington state what the joint resolution would do?

Mr. KING. Mr. President, the consideration of the joint resolution has been objected to for the day; and we have many bills on the calendar awaiting consideration.

Mr. COPELAND. I am willing to let the joint resolution go over for the day, because the calendar is so crowded. However, I shall endeavor to bring the joint resolution to the attention of the Senate at some time in the near future.

The PRESIDING OFFICER. Objection having been made, the joint resolution will be passed over.

BILL PASSED OVER

The bill (H. R. 6586) to regulate the transportation and sale of natural gas in interstate commerce, and for other purposes, was announced as next in order.

Mr. McKELLAR. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

INSURANCE FOR TAXICABS IN THE DISTRICT

The Senate proceeded to consider the bill (H. R. 7084) to provide that all cabs for hire in the District of Columbia be compelled to carry insurance for the protection of passengers, and for other purposes, which had been reported from the Committee on the District of Columbia, with amendments.

The first amendment of the Committee on the District of Columbia was, in section 1, page 2, line 4, after the words "operated a", to strike out "bond or bonds"; in line 5, after the word "insurance", to strike out "or certificate of insurance in lieu thereof"; in line 8, after the word "Columbia", to insert "in accordance with Public Law No. 162, Sixty-seventh Congress, approved March 4, 1922, entitled 'An act to regulate marine insurance in the District of Columbia, and for other purposes' (which said act provides for the organization and operation of mutual insurance companies)"; in line 14, after the word "person", to insert "firm, or corporation"; in line 18, after the word "their", to strike out "cabs" and insert "vehicles"; in line 21, after the word "such", to strike out "motorcabs or other"; in line 25 after the word "such", to strike out "bond or policy may" and insert "policy shall"; on page 3, line 2, after the word "to", to insert "not less than"; in the same line, after the words "death and", to insert "not less than"; in line 8, after the word "judgments", to strike out "Any such policy of liability insurance shall be issued only by such insurance companies as may have been authorized to do business in the District of Columbia, and any such bond or undertaking shall be secured by a corporate surety approved by the superintendent of insurance of the District of Columbia. The superintendent of insurance of the District of Columbia shall be empowered to make all reasonable rules and regulations relating to the writing of taxicab insurance and shall be empowered to govern the maximum rates to be charged on such insurance", and insert "Each insurance

company authorized to do business in the District of Columbia or the rating organization of which is a member or subscriber shall file with the superintendent of insurance every rate manual, schedule of rates, rating plan, and any other information concerning insurance required by this act. No such insurance company or rating organization shall fix or make any rate or schedule of rates, or rating plan, or charge a rate for such insurance which discriminates unfairly between risks within the District of essentially the same hazard. The superintendent of insurance may, after due notice at a hearing before him, order the removal of any unfair discrimination in rates, rate plans, or schedules, and may also order an adjustment of rates on any risk or class of risk whenever it shall be found by him that such rates will produce an excessive, inadequate, or unreasonable profit"; on page 4, line 9, after the word "No", to strike out "such bond or"; in the same line, after the word "insurance", to insert "issued pursuant to the requirements of this act"; in line 11, after the word "than", to strike out "twenty" and insert "ten"; in line 16, after the word "this", to strike out "paragraph" and insert "act"; in line 17, after the word "approved", to strike out "bond or"; in line 21, after the word "this", to strike out "section" and insert "act"; and after line 21, to strike out:

Any owner of a public vehicle required hereby to file a bond or policy of insurance may, in lieu thereof:

(a) File with the Public Utilities Commission a blanket bond, or a blanket policy of liability insurance, in an amount to be approved by said Commission, but not to exceed \$75,000, conditioned as required by this act, and covering all vehicles lawfully displaying the trade name or identifying design of any individual, association, company, or corporation.

(b) Create and maintain a sinking fund in such amount as the Public Utilities Commission may require, but not in excess of \$75,000, and deposit the same, in trust, for the payment of any judgment recovered against such owner, as provided in this act, with such person, official, or corporation as said Commission shall designate.

Provided, That should any such owner elect to comply with the provisions of paragraphs (a) or (b) of this section, such owner shall first file with the Public Utilities Commission an admission of liability, in conformity with the principle or respondent superior for the tortuous acts of the driver or drivers of such vehicle or vehicles aforesaid as shall be driven with the trade name or identifying design of such owner.

Any cash or collateral deposit and/or any sinking fund herein provided for shall be exempt from attachment or levy for any obligation or liability of the depositor thereof, save as herein provided.

Within the meaning of this paragraph, the word "owner" shall include any corporation, company, association, joint-stock company or association, partnership or person, and the lessees, trustees, or receivers appointed by any court whatsoever, permitting his, their, or its trade name and/or identifying design to be displayed upon vehicles governed by this act.

Any violation of this section or of the regulations lawfully promulgated thereunder shall be deemed a misdemeanor and upon conviction shall be punishable by a fine of not more than \$300 or by imprisonment for not more than 90 days, and/or cancellation of license.

So as to make the section read:

That the Public Utilities Commission of the District of Columbia is hereby directed to require any and all corporations, companies, associations, joint-stock companies or associations, partnerships, and persons, their lessees, trustees, or receivers, appointed by any court whatsoever, operating, controlling, managing, or renting any passenger motor vehicles for hire in the District of Columbia, except as to operations licensed under paragraph 31 (b) of the act approved July 1, 1932, known as the "License Act", and except such common carriers as have been expressly exempted from the jurisdiction of the Commission, to file with the Commission for each motor vehicle to be operated a policy or policies, of liability insurance in a solvent and responsible surety or insurance company authorized to do business in the District of Columbia, in accordance with Public Law No. 162, Sixty-seventh Congress, approved March 4, 1922, entitled "An act to regulate marine insurance in the District of Columbia, and for other purposes" (which said act provides for the organization and operation of mutual insurance companies), conditioned for the payment to any person, firm, or corporation of any judgment recovered against such corporations, companies, associations, joint-stock companies or associations, partnerships, and persons, their lessees, trustees, or receivers, appointed by any court whatsoever, or renters of their vehicles, for death or for injury to any person or injury to any property, or both, caused in the operation, maintenance, use, or by reason of the defective construction of such vehicles. Any such bonds or undertaking or policy of liability insurance shall be in such form and on such terms or conditions as the Commission

may direct: *Provided*, That such policy shall limit the liability of the surety or insurer on any one judgment to not less than \$5,000 for bodily injuries or death and not less than \$1,000 for damage to or destruction of property, and all judgments recovered upon claims arising out of the same subject of action to \$10,000 for bodily injuries or death and \$1,000 for damages to or destruction of property, to be apportioned ratably among the judgment creditors according to the amount of their respective judgments. Each insurance company authorized to do business in the District of Columbia or the rating organization of which it is a member or subscriber shall file with the Superintendent of Insurance every rate manual, schedule of rates, rating plan, and any other information concerning insurance required by this act. No such insurance company or rating organization shall fix or make any rate or schedule of rates, or rating plan, or charge a rate for such insurance which discriminates unfairly between risks within the district of essentially the same hazard. The Superintendent of Insurance may, after due notice at a hearing before him, order the removal of any unfair discrimination in rates, rate plans, or schedules, and may also order an adjustment of rates on any risk or class of risk whenever it shall be found by him that such rates will produce an excessive, inadequate, or unreasonable profit. No policy of insurance issued pursuant to the requirements of this act may be canceled unless not less than 10 days prior to such cancellation or termination notice of intention so to do has been filed in writing with the Commission unless cancellation is for nonpayment of premiums, in which event 5 days' notice as above provided shall be given. It shall be unlawful to operate any vehicle subject to the provisions of this act unless such vehicle shall be covered by an approved policy of liability insurance as provided herein. The Public Utilities Commission shall have the power to make all reasonable rules and regulations which, in its opinion, are necessary to make effective the purposes of this act.

The amendment was agreed to.

The next amendment was, on page 6, after line 10, to insert a new section, as follows:

Sec. 2. Vehicles subject to the provisions of this act shall be kept in a clean, sanitary, and good mechanical condition at all times as may be required by regulations of the Public Utilities Commission and the Traffic Act approved March 3, 1925, as amended.

The amendment was agreed to.

The next amendment was, on page 6, after line 15, to insert a new section, as follows:

Sec. 3. Any person, firm, association, or corporation violating any of the provisions of this act or the regulations lawfully promulgated thereunder upon conviction shall be punished by a fine of not more than \$300 or by imprisonment for not more than 90 days, and by cancellation of license. For violations of this act the Commissioners of the District of Columbia are authorized to suspend or revoke licenses issued under sections 31 (c), (d), and (e) of an act entitled "An act making appropriations to provide for the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes," approved July 1, 1902, and for other purposes, as amended by Public Law No. 237, Seventy-second Congress, approved July 1, 1932; such suspension or revocation may be without prior conviction.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "An act to provide that all passenger motor vehicles for hire in the District of Columbia be compelled to carry insurance for the protection of passengers, and for other purposes."

Mr. ANDREWS subsequently said: Mr. President, on behalf of the Senator from North Carolina [Mr. REYNOLDS], who is absent, and myself, I enter a motion to reconsider the vote by which the Senate passed Calendar No. 1228, being House bill 7084, to provide that all cabs for hire in the District of Columbia be compelled to carry insurance for the protection of passengers, and for other purposes.

The PRESIDING OFFICER. The motion of the Senator from Florida to reconsider the vote by which House bill 7084 was passed will be entered.

BILLS, ETC., PASSED OVER

The joint resolution (S. J. Res. 205) providing for benefit payments to cotton producers with respect to cotton produced in 1937 was announced as next in order.

Mr. LODGE. Let the joint resolution go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

INSURANCE OF MORTGAGES ON DOMESTIC FLOATING PROPERTY

The bill (S. 2900) to establish a fund for the insurance of mortgages securing loans for construction or reconditioning of domestic floating property used for commercial purposes was announced as next in order.

Mr. VANDENBERG. Let the bill go over.

Mr. COPELAND. Mr. President, will the Senator who objected let me say a word about this bill?

Mr. VANDENBERG. Certainly.

Mr. COPELAND. This is a very important measure. We have, as the report shows, vessels requiring repairs to the extent of about 740,000 tons on the Great Lakes and on the various coasts. Many of these ships are 20 years of age or over. The steamship *City of Baltimore* burned upon the Chesapeake Bay a little while ago. This is a proposal that the Maritime Commission may set up an insurance fund to guarantee mortgages on these properties, just as is done in the case of houses. Otherwise hundreds of these ships will continue to operate, and occasionally one will burn, as did the *City of Baltimore*.

The bill of the Senator from Maryland [Mr. RADCLIFFE] is a very wise bill, which was thoroughly considered by the Commerce Committee, and its enactment is deemed necessary if we are to have any degree of safety upon our rivers and lakes and upon the sea.

Mr. VANDENBERG. Mr. President, I misapprehended the nature of the bill. I withdraw the objection.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment, in section 3, page 4, line 23, after the word "financed", to insert "and, upon the filing of any such application, public notice shall be given and hearing granted upon the request of any interested party."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That as used in this act—

(a) The term "mortgage" means a first mortgage to secure loans or advances made to aid in financing the construction or reconditioning of domestically owned floating property used for commercial purposes on the intercoastal waters of the United States, on the Great Lakes, or on bays, sounds, rivers, harbors, or inland lakes of the United States;

(b) The term "floating property" includes, but shall not be limited to, ocean-going vessels, bay steamers, excursion steamers, ferries, dredges, tugs, towboats, barges, and fishing vessels;

(c) The term "mortgagee" includes the original lender under a mortgage, and his successors and assigns approved by the Commission; and

(d) The term "mortgagor" includes the original borrower under a mortgage and his successors and assigns.

SEC. 2. There is hereby created a mutual mortgage insurance fund (hereinafter referred to as the "fund"), which shall be used by the United States Maritime Commission (hereinafter referred to as the "Commission") as a revolving fund for the purpose of carrying out the provisions of this act. Moneys in the fund not needed for the current operations of the Commission shall be deposited in the Treasury of the United States to the credit of the fund, or invested in bonds or other obligations of the United States. The Treasurer of the United States is hereby directed to pay interest semiannually on any amount so deposited at a rate not greater than the prevailing rate on long-term Government bonds, such rate to be computed on the average amount of such bonds outstanding during any such semiannual period. The Commission may, with the approval of the Secretary of the Treasury, purchase, at not to exceed par, in the open market, debentures issued under the provisions of section 4. Debentures so purchased shall be canceled and not reissued, and the several group accounts to which such debentures have been charged shall be charged with the amounts used in making such purchases.

SEC. 3. (a) The Commission is authorized, upon application by the mortgagee, to insure as hereinafter provided any mortgage offered to it within 6 months from the date of its execution which is eligible for insurance as hereinafter provided, and, upon such terms as the Commission may prescribe, to make commitments for the insuring of such mortgages prior to the date of their execution or disbursement thereon. The aggregate principal obligation of all mortgages insured under this act shall not exceed \$100,000,000.

(b) To be eligible for insurance under this act a mortgage shall—
(1) have a mortgagee and a mortgagor approved by the Commission as responsible and able to service the mortgage properly;

(2) involve an obligation in a principal amount which does not exceed 75 percent of the cost of the construction or reconditioning financed by the loan or advance or not to exceed 75 percent of the appraised value of the property mortgaged to secure such loan or advance;

(3) have a maturity satisfactory to the Commission but not to exceed 20 years;

(4) contain complete amortization provisions satisfactory to the Commission requiring periodic payments by the mortgagor;

(5) bear interest (exclusive of premium charges for insurance) at a rate not to exceed 5 percent per annum on the amount of the principal obligation outstanding at any time;

(6) provide, in a manner satisfactory to the Commission, for the application of the periodic payments to amortization of the principal of the mortgage; and

(7) contain such terms and provisions with respect to the construction or reconditioning and maintenance of the property, repairs, alterations, payment of taxes, delinquency charges, revisions, foreclosure proceedings, anticipation of maturity, additional and secondary liens, and other matters pertinent to the security as the Commission may prescribe.

(c) In passing on applications for insurance the Commission shall have due regard to the public convenience and necessity of the construction or reconditioning project proposed to be financed, and, upon the filing of any such application, public notice shall be given and hearing granted upon the request of any interested party.

(d) The Commission is authorized to make a premium charge for the insurance of mortgages under this act of one-half of 1 percent of the face value of the mortgage, and such charge shall be payable annually.

SEC. 4. (a) In any case in which the mortgagee under an insured mortgage shall have foreclosed and taken possession of the mortgaged property in accordance with regulations of, and within a period to be determined by, the Commission, or shall, with the consent of the Commission, have otherwise acquired such property from the mortgagor after default, the mortgagee shall be entitled to receive the benefits of the insurance, by outright payment of the insurance claim, or by the issuance of debentures to satisfy such claim. The terms and conditions of such payment shall be subject to such rules and regulations and such exceptions as the Commission may prescribe, which shall be substantially in accordance with the provisions applicable as to payment of insurance claims under section 204 of the National Housing Act, as amended. The Commission in connection with the liquidation of the insurance claim shall have the right to maintain, operate, or charter any property acquired in such liquidation or otherwise dispose thereof.

SEC. 5. There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this act.

E. W. ROSS

The bill (H. R. 6574) for the relief of E. W. Ross was considered, ordered to a third reading, read the third time, and passed.

CYRUS M. LASHER

The bill (H. R. 5431) for the relief of Cyrus M. Lasher was considered, ordered to a third reading, read the third time, and passed.

REIMBURSEMENT OF EMPLOYEES OF INDIAN SERVICE

The bill (H. R. 1233) for the relief of employees of the Indian Service for destruction by fire of personally owned property in Government quarters at the Pierre Indian School, South Dakota, was considered, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 2970) to provide for reorganizing agencies of the Government, extending the classified civil service, establishing a General Auditing Office and a Department of Welfare, and for other purposes, was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1424) to repeal that provision in the act of March 2, 1917 (39 Stat. L. 976), directing the making of allotments to Indians of the Mission Indian Reservation, Calif., was announced as next in order.

SEVERAL SENATORS. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

INVESTIGATION OF FLAXSEED PRICES

The resolution (S. Res. 167) requesting the Secretary of Agriculture to investigate flaxseed prices and matters affecting same was considered and agreed to, as follows:

Resolved, That the Secretary of Agriculture is hereby requested and directed to make a thorough investigation of the influences and factors keeping the price of flaxseed under parity and to report to the Senate the results thereof.

In particular, but not to the exclusion of other matters, the Secretary of Agriculture is requested and directed to make and report to the Senate the results of an investigation and study of—

(1) The effectiveness of the existing tariff on flaxseed.

(2) The effectiveness of the existing tariff on linseed oil.

(3) The compensatory relationship between the existing tariff on flaxseed and the existing tariff on linseed oil.

(4) The effectiveness of the existing tariffs or excise taxes on perilla oil and other oils entering into competition with linseed oil, as well as the effectiveness of the existing tariffs and excise taxes on oil-bearing seeds entering into competition with flaxseed; and be it further

Resolved, That the United States Tariff Commission is hereby requested and directed to render such assistance and cooperation as the Secretary of Agriculture may request to enable him to make this report to the Senate.

The preamble was agreed to, as follows:

Whereas the Soil Conservation and Domestic Allotment Act of February 29, 1936, declared it to be the purpose of Congress—

(A) To reestablish, at as rapid a rate as the Secretary of Agriculture determines to be practicable and in the general public interest, the ratio between the purchasing power of the net income per person on farms and that of the income per person not on farms that prevailed during the 5-year period August 1909–July 1914, inclusive, as determined from statistics available in the United States Department of Agriculture and the maintenance of such a ratio; and

Whereas, according to the United States Department of Agriculture, the price of wheat has been higher than parity price, as determined by the Department of Agriculture, since July 1936, and in June 1937 the price of wheat at Minneapolis was 11 cents higher than parity; and

Whereas for a period of years the price of flaxseed has generally been just about twice the price of wheat per bushel at Minneapolis; and

Whereas the price of flaxseed at Minneapolis was 26 cents per bushel below parity price, as established by the Department of Agriculture, in January 1936, and has been consistently lower since that time, and that in June 1937 the price of flaxseed in Minneapolis was 41 cents below parity; and

Whereas the Department of Agriculture, in its statement, Average Prices Received by Farmers for Farm Products July 15, 1937, With Comparisons, issued July 29, 1937, reveals under the heading "Price Relatives" (p. 13) that using the index figure 100 (based on actual prices received by farmers, 1909–14) wheat increased from the index figure of 107 on July 15, 1936, to 128 on July 15, 1937; and during the same period corn increased from 125 to 184; oats from 88 to 107; barley from 91 to 104; rye from 85 to 112; cottonseed from 138 to 157; while flaxseed gained but 1 point from 109 to 110; and

Whereas the two products of flaxseed are linseed oil and linseed meal, and, according to the United States Department of Labor, the price of linseed oil in January 1936 was 10.1 cents per pound and in June 1937, 11.1 cents per pound (an increase of 10 percent), and the price of linseed meal in January 1936 was \$30 per ton and \$35.63 per ton in June 1937 (an increase of 18.2 percent), while the United States Department of Agriculture gives the Minneapolis price of flaxseed in January 1936 at \$1.87 per bushel and in June 1937, \$1.91 per bushel (an increase of two one-hundredths of 1 percent): Therefore be it

JOINT RESOLUTION PASSED OVER

The joint resolution (S. J. Res. 201) for the relief of certain persons conducting farming operations whose crops were destroyed by hailstorms was announced as next in order.

Mr. MCKELLAR. May we have an explanation of the joint resolution? Without an explanation, let it go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

JOHN F. FAHEY, U. S. M. C., RETIRED

The bill (S. 2935) for the relief of John F. Fahey, United States Marine Corps, retired, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, notwithstanding the provisions of section 2 of the act approved May 23, 1930 (46 Stat. 375; U. S. C., title 34, sec. 790), John F. Fahey, sergeant, United States Marine Corps, retired, shall be held and considered to have completed 30 years' service, including service in the United States Marine Corps, including double time for service in the Philippine Islands, Panama, and Cuba, and including time in the Fleet Marine Corps Reserve, for the purpose of transfer to the retired list of the United States Marine Corps, on April 5, 1927, and the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said John F. Fahey the sum of \$693, which sum represents allowances at \$15.75 per month, covering the period from April 5, 1927, to and including December 31, 1930, authorized by existing law (34 Stat. 1217; U. S. C., title 34, sec. 431) to be paid to enlisted men upon

transfer to the retired list of the Marine Corps upon completion of 30 years' service.

BILL PASSED OVER

The bill (S. 2825) to enable the Department of Agriculture to prevent the spread of pullorum and other diseases of poultry and to cooperate with State official agencies in the administration of the National Poultry Improvement Plan, and for other purposes, was announced as next in order.

Mr. KING. Let us have an explanation of the bill.

The PRESIDING OFFICER (Mr. DUFFY in the chair). A request for an explanation is made.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

PROMOTION OF EMPLOYEES IN CUSTOMS SERVICE

The bill (H. R. 7948) providing for the promotion of employees in the customs field service was announced as next in order.

Mr. McKELLAR. May we have an explanation of the bill? If not, let it go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. COPELAND. Mr. President, I ask that we return for a moment, to the bill which has just been passed over, as I should like to make an explanation about it.

The PRESIDING OFFICER. Without objection, the Senate will return to the bill.

Mr. COPELAND. This bill relates wholly to the lower-grade employees of the customs field service, where there has been no change whatever in 10 years. These inspectors receive from \$2,100 to \$3,000 per annum. They are those who inspect baggage, etc. The bill was considered by several departments of the Government, and its enactment is strongly recommended. It has no reference to those in high positions.

Mr. McKELLAR. What amount are the salaries increased, and how many of them are there?

Mr. COPELAND. The bill involves about 200 employees. They are the low-grade employees. In their case the same condition exists that we had about the immigration and naturalization service.

Mr. McKELLAR. What are the increases?

Mr. COPELAND. The customs inspectors now have an average salary of \$2,390. The salaries may run up to \$3,300. The average will be \$2,700 instead of \$2,390 if the bill is passed. As I say, it has to do with the low-grade employees, those who have no chance whatever to have the benefit of any increases or changes which have been made.

Mr. McKELLAR. I shall not object.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which was ordered to a third reading, read the third time, and passed.

SEKIZO TAKAHASHI

The Senate proceeded to consider the joint resolution (H. J. Res. 141) to authorize the issuance to Sekizo Takahashi of a permit to reenter the United States.

Mr. ASHURST. Mr. President, let the joint resolution be read.

Mr. MCGILL. Mr. President, I can state in a very few words the purport of this joint resolution. It pertains to a man who is a native of Japan. He has lived in the United States since 1911. He lived in the Hawaiian Islands from 1906 to 1911. He is married to an American citizen, and has native-born American children. The purpose of the joint resolution is to allow him to reenter the United States, as he desires to go to Japan to take care of some matters with reference to his father's estate. The joint resolution was reported last year, and, personally, I think there should be no objection to it.

Mr. ASHURST. Mr. President, I have no objection to the joint resolution, in view of the circumstances stated by the Senator from Kansas, but I am not reconciled to the entry into the United States of Japanese nationals.

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Mr. MCGILL. Mr. President, I may state to the Senator that under the provisions of law the man involved here is not subject to deportation. He has been here for over 30 years, and he may remain here, under our present law. The only purpose of the joint resolution is to allow him to reenter the United States in the event he goes to his native country, Japan, and desires to return.

Mr. ASHURST. I have no objection to this measure, but will read from a dispatch appearing in a morning newspaper:

More than a month ago Japan was reported to have been seeking right to improve Mazatlan Harbor, on Mexico's west coast, in return for an oil-well contract, but the reports of negotiations were officially denied.

Mr. President, in the summer of 1912 the distinguished Senator from Massachusetts, Mr. Henry Cabot Lodge, Sr., offered the following resolution, which was debated for many hours and was finally agreed to by the Senate:

Resolved, That when any harbor or other place in the American Continent is so situated that the occupation thereof for naval or military purposes might threaten the communications or the safety of the United States, the Government of the United States could not see without grave concern the possession of such harbor or other place by any corporation or association which has such a relation to another government not American as to give that government practical power of control for national purposes.

The Japanese at that time were attempting to colonize by bringing to Magdalena, a Mexican harbor, Japanese nationals, so that if in the course of destiny some great event should occur, Japan could claim that they were in possession of that harbor, and, if an incident took place there, could land troops on Mexican soil.

The Senate should be reminded that there were only four votes, in 1912, against this resolution which notified the world that the Senate of the United States would look with grave concern on such a transaction.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

Mr. MCADOO. Let it go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

BILLS AND RESOLUTION PASSED OVER

The resolution (S. Res. 177) requesting recommendations from the Tariff Commission concerning rates of duty on textile imports, was announced as next in order.

Mr. BARKLEY. Let that go over.

The PRESIDING OFFICER. The resolution will be passed over.

The bill (S. 3022) to amend the law relating to appointment of postmasters, was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 5812) to amend section 243 of the Penal Code of the United States, as amended by the act of June 15, 1935 (49 Stat. 378), relating to the marking of packages containing wild animals and birds and parts thereof, was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDING OFFICER. The bill will be passed over.

NEW YORK WOOL TOPS FUTURES EXCHANGE

The bill (S. 3105) to amend the Commodity Exchange Act, as amended, to extend its provisions to wool and other agricultural commodities traded in for future delivery was announced as next in order.

Mr. LODGE. Mr. President, I should like to have an explanation of the bill.

Mr. HATCH. Mr. President, the bill is designed to bring the Wool Tops Futures Exchange in New York City within the terms of the Commodity Exchange Act. It makes no changes in the law itself, but merely places the Wool Tops Futures Exchange upon the same terms and conditions with the cotton exchange, the grain exchange, and other exchanges dealing in commodities.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. LODGE. I ask that the bill go over.

Mr. HATCH subsequently said: Mr. President, I ask unanimous consent to return to Order of Business 1352, Senate bill 3105, to which objection was made a moment ago. I am now advised that the Senator who objected will withdraw the objection.

Mr. COPELAND. Mr. President, as I understood, the Senator made reference to an exchange in New York City.

Mr. HATCH. Yes.

Mr. COPELAND. Was there a desire on the part of those in interest that the bill should be passed?

Mr. HATCH. No; the Wool Tops Futures Exchange opposed the bill.

Mr. COPELAND. I am sorry, Mr. President, but I wish to find out more about this. I ask that the bill go over.

Mr. WALSH. Mr. President, is not this the bill which the special committee investigating wool has recommended, as well as the Committee on Agriculture and Forestry?

Mr. HATCH. Yes; the Senator is correct. We held hearings on it and were thoroughly convinced that the bill should be passed.

Mr. WALSH. I think that if the Senator from New York knew all the facts and was familiar with the situation, he would probably not object. The bill has been considered by two committees, and I believe there is unanimity of opinion in favor of the measure.

Mr. COPELAND. Mr. President, I have no thought of ultimately objecting to the bill, but I think I have in my office certain protests against the bill.

Mr. HATCH. Mr. President, I make the suggestion to the Senator from New York that the officials of the Wool Tops Futures Exchange protested against the bill, but they admitted that if the Commodity Exchange Act is a good act for other exchanges there is no reason at all why the Wool Tops Futures Exchange should not come under the same act.

Mr. COPELAND. I assume I would take exactly the view the Senator takes, and if he will bear with me, and let the bill go over until the next time the calendar is called, I shall probably not object.

Mr. LODGE. Mr. President, I raised the first objection to the bill, and since that time I have been able to inform myself in regard to the matter and I find that all interested parties are in favor of the bill; so I withdraw my objection.

The PRESIDING OFFICER. Objection is heard, and the bill will be passed over.

JOINT RESOLUTION PASSED OVER

The joint resolution (S. J. Res. 229) directing the Federal Trade Commission to investigate the policies employed by manufacturers in distributing motor vehicles, and the policies of dealers in selling motor vehicles at retail, as these policies affect the public interest, was announced as next in order.

Mr. VANDENBERG. Let that go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

EXCHANGE OF LAND IN ALASKA

The Senate proceeded to consider the bill (S. 3160) to provide for the exchange of land in the Territory of Alaska, which was read, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized to convey all the right, title, and interest of the United States of America in and to that parcel of land in the Territory of Alaska containing 227.09 acres, reserved for use by the Department of War as a site for a radio station by Executive Order No. 7135, dated August 9, 1935, in exchange for a conveyance to the United States of America, without cost, of the fee-simple title to privately owned land of equal or greater value than the land first herein referred to, and more adaptable for radio-station purposes.

Mr. McKELLAR. Mr. President, may we have an explanation of this bill?

Mr. SHEPPARD. Mr. President, under the act of June 25, 1910, as amended, a tract of about 227 acres of land, valued at about \$283, was reserved for use by the War De-

partment as a site for a radio station. Due to the close proximity of the radio station site to the commercial airport owned and operated by the Pacific-Alaska Airways, Inc., the antenna system required for the Government radio station constituted a flying hazard to planes using this commercial airport. The Pacific-Alaska Airways, Inc., own some 60 acres of land, acquired at a cost of \$3,000, located about half a mile from the Government-owned land. The company has agreed to convey this land to the Government without cost in exchange for the Government tract, and also to remove to the new site without cost to the Government the structures on the Government-owned tract.

The bill under consideration authorizes the Secretary of War to enter into this exchange of land. The measure is recommended by the Department for enactment into law, the Department advising that both from a military and monetary standpoint the proposed exchange is of interest to the Government.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OLD TOWER CLOCK, ESCAMBIA COUNTY COURTHOUSE, FLA.

The bill (S. 3220) to authorize the Secretary of the Treasury to transfer the title and all other interests in the old tower clock from the Escambia County Courthouse Building, acquired by the Government by deed, to the Pensacola Historical Society of Pensacola, Escambia County, Fla., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized to permit the removal of the old tower clock in its entirety from the Escambia County Courthouse Building, Pensacola, Fla., which was acquired by the Government from the county of Escambia, Fla., by deed of May 22, 1937, in exchange for the old post-office building, the title and all other interests in said tower clock to be given into the custody of the Pensacola Historical Society of Pensacola, Escambia County, Fla.: *Provided*, That the removal of the clock shall be without expense to the Government.

INVESTIGATION OF TENNESSEE VALLEY AUTHORITY

The joint resolution (S. J. Res. 239) authorizing the Federal Trade Commission to make an investigation of the Tennessee Valley Authority was announced as next in order.

The PRESIDING OFFICER. Without objection, the joint resolution will be indefinitely postponed.

Mr. BARKLEY. Mr. President, I would rather not have that done in the absence of the Senator from Nebraska.

The PRESIDING OFFICER. Without objection, the joint resolution will be passed over.

GOSHUTE INDIANS AND OTHERS

The bill (S. 2777) for the benefit of the Goshute and other Indians, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. This bill is the same as order of business 1597, House bill 8885.

Mr. McKELLAR. Mr. President, let us have an explanation. In the absence of an explanation, let the bill go over.

The PRESIDING OFFICER. Senate bill 2777 and House bill 8885 will be passed over.

MARGARET TURNEY AND OTHERS

The bill (S. 2870) for the relief of Margaret Turney and Bertha Turney LaMotte, heirs of Theresa Turney, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to cancel the unpaid charges of \$968.92 assessed against the lands allotted to Theresa Turney, deceased, and described as the north half northeast quarter section 23, township 27 north, range 3 east, Indian meridian, Oklahoma, on account of drainage district No. 2, in Pottawatomie County, and reimbursable in accordance with the act of July 21, 1914 (38 Stat. L. 553), and to issue releases therefrom to Margaret Turney and Bertha Turney LaMotte, heirs of the decedent, in the sums of \$512.12 and \$456.80, respectively.

Sec. 2. Said releases, when duly recorded in Pottawatomie County, shall operate as a complete satisfaction of the liens of the United States therefor recited in the patents issued to the persons named.

APACHE TRIBE OF INDIANS

The Senate proceeded to consider the bill (S. 2827) to authorize the purchase of certain lands for the Apache Tribe of the Mescalero Reservation, N. Mex., which was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized, in his discretion, to purchase with any available funds heretofore or hereafter appropriated pursuant to authority contained in section 5 of the act of June 18, 1934 (48 Stat. L. 984), lots 1, 2, 3, and 4, north half northeast quarter southwest quarter northeast quarter, north half southeast quarter northeast quarter, section 24, township 15 south, range 15 east, and lots 4, 5, and 6, section 19, township 15 south, range 16 east, New Mexico principal meridian, New Mexico. Title to the lands shall be taken in the name of the United States in trust for the Apache Tribe of the Mescalero Reservation.

Mr. KING. Mr. President, if I may have the attention of the Senator from New Mexico, I should like to make an inquiry, which may not be pertinent to this bill; but I have received a number of communications to the effect that under policies which were being adopted by the Indian Office, or other organizations, many of the Apache Indians, and perhaps Indians of other tribes, are being denied the proper use of their grounds, and that their bands of sheep are so reduced that the Indians are impoverished.

Mr. HATCH. Mr. President, I think I am familiar with the situation to which the Senator is referring, and I can say to him that the pending bill does not relate to that situation at all.

Mr. KING. I have no objection.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 3145) to provide for the appointment of an additional district judge for the southern district of California was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 8993) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1939, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. This is the naval appropriation bill, and will be passed over.

CLAIM OF MENOMINEE TRIBE OF INDIANS

The bill (S. 2853) to amend an act entitled "An act to refer the claim of the Menominee Tribe of Indians to the Court of Claims with the absolute right of appeal to the Supreme Court of the United States," approved September 3, 1935, was announced as next in order.

Mr. LA FOLLETTE. Mr. President, I ask unanimous consent that Calendar No. 1599, being House bill 7277, be substituted for Senate bill 2853, and be considered at this time.

The PRESIDING OFFICER. Is there objection to the present consideration of House bill 7277?

There being no objection, the bill (H. R. 7277) was considered, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 2853 will be indefinitely postponed.

TRANSPORTATION OF STOLEN ANIMALS IN INTERSTATE COMMERCE

The bill (S. 3052) to provide for the punishment of persons transporting stolen animals in interstate commerce, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That this act shall be cited as the National Animal Theft Act.

Sec. 2. When used in this act—

(a) The term "animal" shall include any cattle, hog, sheep, horse, or mule.

(b) The term "interstate or foreign commerce" shall include transportation from one State, Territory, or the District of Columbia, to another State, Territory, or the District of Columbia,

or to a foreign country, or from a foreign country to any State, Territory, or the District of Columbia.

Sec. 3. Whoever shall transport or cause to be transported in interstate or foreign commerce any animal, or the carcass or hide or any part of the carcass or hide of any animal, knowing the same to have been stolen, shall be punished by a fine of not more than \$5,000 or by imprisonment of not more than 5 years, or both.

Sec. 4. Whoever shall receive, conceal, store, barter, buy, sell, or dispose of any such animal, or the carcass or hide or any part of the carcass or hide thereof, moving in or constituting a part of interstate or foreign commerce, knowing the same to have been stolen, shall be punished by a fine of not more than \$5,000 or by imprisonment of not more than 5 years, or both.

Sec. 5. Any person violating section 3 of this act may be prosecuted in any district from, into, or through which such animal, or the carcass or hide or any part of the carcass or hide thereof, has been transported or removed.

Sec. 6. Nothing herein shall be construed to repeal, modify, or amend any part of the National Stolen Property Act.

DESIGNATION OF FEBRUARY AS AMERICAN MUSIC MONTH—BILL PASSED OVER

The bill (S. 1443) to designate the month of February in each year as the month of American music was announced as next in order.

Mr. McKELLAR. Mr. President, I ask the Senator from New York if that bill involves an appropriation of any kind?

Mr. COPELAND. No; it involves no appropriation. The Committee on Education and Labor gave consideration to the bill, and suggested an amendment setting aside one week, the second week in May, as the time for the celebration of American music.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. CLARK. I am going to object to the bill because there are so many weeks and days and months being set aside for various purposes, such as the sale of used cars, and this and that and the other thing, that soon, if it keeps on, there will be a duplication of allotments of periods of time on the calendar for such purposes.

Mr. President, it is not the business of Congress to undertake such matters. It is not its business to decide such things. The American people can, if they wish, celebrate American music by having a musical festival for a week, or a month, or a whole year.

Mr. KING. Mr. President, we might enlarge the calendar so as to have 15 months, or perhaps 20 months, and then we could include more such celebrations.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. CLARK. I ask that the bill be passed over.

Mr. COPELAND. I know that some of the cars sold during used-car week make discordant sounds.

Mr. KING. So does some music.

Mr. COPELAND. But there is a great appeal being made by the music-loving people of America that a time be set aside when our thoughts shall be turned to music. Perhaps that would be a good thing. The musical festivals are likely to occur in May, and the committee thought it would be proper to set aside 1 week in that month for the purpose. We objected to 4 weeks, as originally proposed.

Mr. CLARK. I certainly have no objection to musical festivals. On the contrary, I am very much in favor of them. But I ask the Senator from New York, What business is it of Congress to be setting aside a specific period of time in the year when people should turn their thoughts to music or anything else? It seems to me that that kind of activity is entirely outside the constitutional function of the Congress.

Mr. COPELAND. Of course, if we shall repeal the various taxes now resting on our people, there will be joyous music over the country. Nevertheless, there are some who will not be benefited by such repeal.

Mr. CLARK. Will not those people appreciate musical festivals to the same extent without the Congress of the United States doing the ridiculous thing of setting aside a week for such festivals?

Mr. COPELAND. If the Senator is set in his objection, there is nothing to say except to express regret that the bill cannot receive favorable consideration.

The PRESIDING OFFICER. The bill will be passed over.

JOINT RESOLUTION PASSED OVER

The joint resolution (H. J. Res. 150), to permit a compact or agreement between the States of Idaho and Wyoming respecting the disposition and apportionment of the waters of the Snake River and its tributaries, and for other purposes, was announced as next in order.

Mr. LODGE. I ask that the joint resolution be passed over.

The PRESIDING OFFICER. The joint resolution will be passed over.

J. HARRY WALKER

The Senate proceeded to consider the bill (S. 2920) for the relief of J. Harry Walker, which had been reported from the Committee on Indian Affairs with amendments, in line 6, after the words "sum of", to strike out "\$1,902.28" and to insert "\$1,870.93"; in line 7, after "States", to insert "to November 27, 1937"; and in line 10, after the word "reservations", to strike out "during the period from June 3, 1913, to March 5, 1935", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to J. Harry Walker, of Poplar, Mont., the sum of \$1,870.93, in full satisfaction of his claims against the United States to November 27, 1937, for compensation for services rendered by him as an undertaker in the burial of Indians of the Fort Peck Agency and other reservations.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE H. LOWE, JR.

The Senate proceeded to consider the bill (S. 2883) for the relief of George H. Lowe, Jr., which had been reported from the Committee on Military Affairs, with an amendment, on page 1, line 10, after the word "entered", to strike out "active" and to insert "commissioned", so as to make the bill read:

Be it enacted, etc., That in the administration of section 10 of the act entitled "An act to maintain the credit of the United States Government," approved March 20, 1933, George H. Lowe, Jr., who enlisted in the United States Army on June 7, 1917, and served in France, and was commissioned a first lieutenant in the United States Army to rank as such from September 8, 1918, shall be held and considered to have entered commissioned service prior to November 11, 1918, notwithstanding that he was unable by reason of wounds suffered in action to qualify and accept the commission until November 16, 1918.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHIEF CLERK AND CHIEF INSPECTOR, HEALTH DEPARTMENT,
DISTRICT OF COLUMBIA

The bill (S. 3259) limiting the duties of the Chief Clerk and Chief Inspector of the Health Department of the District of Columbia was announced as next in order.

Mr. KING. Mr. President, I understand House bill 9100, being Calendar number 1435, is identical with Senate bill 3259.

The PRESIDING OFFICER. The Chair is so informed.

Mr. KING. If the clerk will advise us that the two bills are textually the same, I shall ask unanimous consent that the House bill be substituted for the Senate bill, and then ask that the House bill be considered and passed and that the Senate bill be indefinitely postponed.

The PRESIDING OFFICER. The Chair is informed that the bills are textually identical. Is there objection to the present consideration of House bill 9100.

There being no objection, the bill (H. R. 9100) limiting the duties of the Chief Clerk and Chief Inspector of the Health Department of the District of Columbia was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That hereafter neither the chief clerk nor the chief inspector of the Health Department of the District of Columbia shall act as a deputy to the health officer of said District.

The PRESIDING OFFICER. Without objection, Senate bill 3259 will be indefinitely postponed.

RESOLUTION PASSED OVER

The resolution (S. Res. 216) favoring governmental adjustment of the purchasing power of the dollar so as to attain 1926 wholesale commodity price levels was announced as next in order.

Mr. BROWN of Michigan. I ask that the resolution go over.

The PRESIDING OFFICER. The resolution will be passed over.

PROTECTION OF SEA WALL, GALVESTON HARBOR, TEX.

The Senate proceeded to consider the bill (H. R. 8524) authorizing the completion of the existing project for the protection of the sea wall at Galveston Harbor, Tex., which had been reported from the Committee on Commerce with an amendment, on page 1, line 3, after the word "authorized", to insert "and directed", so as to make the bill read:

Be it enacted, etc., That the Secretary of War is hereby authorized to complete the project, adopted in the River and Harbor Act approved August 30, 1935, for the construction of groins to protect the sea wall at Galveston Harbor, Tex., in accordance with the plans submitted in House Document No. 400, Seventy-third Congress.

Mr. McKELLAR. Mr. President, what will be the cost of that project?

Mr. SHEPPARD. About \$70,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILL PASSED OVER

The bill (S. 3073) to safeguard the public health was announced as next in order.

Mr. LODGE. Mr. President, may we have an explanation of this bill?

Mr. COPELAND. Mr. President, I am going to ask that this bill go over for the reason that the House bill—the food and drug bill—will contain the provisions which I had in mind, and I think the language of the House bill is better than that of the Senate bill. Therefore, I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

BUREAU OF NAVIGATION AND STEAMBOAT INSPECTION

The Senate proceeded to consider the bill (S. 3330) to amend section 3 of the act of May 27, 1936 (49 Stat. 1381), entitled "An act to provide for a change in the designation of the Bureau of Navigation and Steamboat Inspection, to create a marine casualty investigation board and increase efficiency in administration of the steamboat inspection laws, and for other purposes."

Mr. McKELLAR. I should like to have an explanation of that bill.

Mr. COPELAND. It is unfortunate that this bill has such a long title. The significance of it is that it adds 10 traveling inspectors to the Bureau of Navigation for the reasons which I will state.

In our hearings on the merchant marine bill we discovered, of course, great labor disputes and difficulties aboard ship. The charges were made by labor that there are many serious defects relating to lifeboats and the equipment generally upon ships. There were complaints about the quarters in which the crews live. There were complaints about the food served. Therefore, after talking the matter over with the Bureau of Navigation and Steamboat Inspection, it developed that if 10 additional inspectors were provided they could be sent on short trips with a ship going, for example, from New York to California; they could travel on a ship sufficiently far to make the inspections and to report back in order that the shipowners might be called upon to make the necessary repairs and changes. It was the feeling of the committee

that this was in the direction not alone of greater safety upon ships but would lead to greater concord among the crews.

Mr. KING. Mr. President, one inquiry. How many inspectors are there now?

Mr. COPELAND. This would increase the number by 10, but the others are doing shore service, I may say to the Senator. The additional 10 inspectors would be actually traveling inspectors, which the substantive law provides for. It would add \$50,000 to the cost of the service.

Mr. KING. I should like to ask the Senator if in the lifetime of Andrew Furuseth, who knew more about the sea and sea service and our ships than anyone, perhaps, in the United States, he made any recommendation regarding this matter?

Mr. COPELAND. "Andy" Furuseth was all the time fighting for this measure. Through the efforts of Senator La Follette, the elder, he succeeded in improving the navigation laws, and this provision is merely an extension of the recommendations Andrew Furuseth made to the elder La Follette.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That section 3 of the act of May 27, 1936 (49 Stat. 1381), shall be, and is hereby, amended to read as follows:

"Sec. 3. That there shall be in the field service of the Bureau of Marine Inspection and Navigation in the Department of Commerce not to exceed 30 principal traveling inspectors to be appointed by the Secretary of Commerce, the compensation of such principal traveling inspectors to be fixed by the Secretary of Commerce at not to exceed \$5,000 per annum. Each of said principal traveling inspectors shall be entitled to his necessary traveling expenses while traveling on official business. Such principal traveling inspectors shall be selected for their knowledge, skill, and practical experience in steam and motor power for navigation and shall be competent judges of the character and qualities of such vessels and of all parts of the machinery employed in such navigation. They also shall have full knowledge of the duties imposed by law on licensed officers and crews of vessels."

BILL PASSED OVER

The bill (S. 2819) to create a Committee on Purchases of Blind Made Products, and for other purposes, was announced as next in order.

Mr. KING. Mr. President, I should like an explanation, and should like to inquire whether there are not now sufficient Federal agencies and organizations for the acquisition of such goods.

The PRESIDING OFFICER. Neither the author of the bill nor the Senator reporting the bill are in the Chamber at the moment.

Mr. KING. Let the bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

ESTATE OF GEORGE EHRET, JR.

The Senate proceeded to consider the bill (S. 2541) for the relief of the estate of George Ehret, Jr., which had been reported from the Committee on Claims with an amendment, on page 2, line 4, after the word "allowed," to strike out the comma and words "with interest at the rate of 6 percent per annum," so as to make the bill read:

Be it enacted, etc., That notwithstanding any limitation contained in section 301 (b) of the Revenue Act of 1926, as amended, with respect to the time within which State taxes shall have been paid and credits therefor claimed, the Commissioner of Internal Revenue is authorized and directed to consider any claim which may be filed within 60 days after the date of enactment of this act for a credit under such section in the case of the estate of George Ehret, Jr., late of the State of New York, and, in the consideration of such claim, to allow credit for any estate, inheritance, legacy, or succession taxes paid to the State of New York prior to the date of enactment of this act, and to refund to such estate the amount of any such credit allowed.

The amendment was agreed to.

Mr. KING. I should like to ask the Senator from Washington, in view of the adverse recommendation of the Sec-

retary of the Treasury, whether this is a meritorious measure. The Secretary states:

For these reasons the report of the Treasury Department is unfavorable to the enactment of the bill.

Mr. SCHWELLENBACH. Mr. President, the bill permits this estate to file a claim for a refund. It waives the statute of limitations. The committee in considering these bills have been very careful in requiring that there be a reasonable excuse given before the statute of limitations shall be waived. In this case the estate tax was figured out by the attorneys for the estate and was submitted to the authorities of the State of New York under the New York State inheritance-tax law. The New York State authorities returned a certain portion of the money, saying that it was not due. Then they made a settlement with the Federal inheritance-tax officials. After that was done, and the statute of limitations had expired, the New York State authorities came back and insisted that they should have had the full amount in the first place. The fault lay exclusively with the authorities of the State of New York and not with the estate or its attorneys. The estate tried to make the payment, and it was rejected. It seems to me there is a reasonable excuse for letting the time go by under the statute of limitations.

Mr. KING. Mr. President, very often applications are made to relieve persons from the running of the statute of limitations, especially with respect to taxes. A number of such cases have come before the Joint Committee on Taxation, of which I am a member. I have been a little careful in favoring legislation of this character.

Mr. SCHWELLENBACH. As the Senator knows, the Claims Committee has adopted as one of its rules a requirement that special circumstances must be shown before we will pass bills waiving the statute of limitations. But in this case we felt that since there was no fault on the part of the parties involved, and the fault was entirely that of the State of New York, the parties should have an opportunity to present their claims.

Mr. KING. I shall not object, with this understanding: As the Senator knows, the Committee on Finance is now in session, and we have before us the tax experts of the Treasury Department. I shall take the liberty of bringing this matter to their attention tomorrow, and if on Monday there is an adverse report, and reasonable grounds for such a report, I shall move to reconsider. Otherwise, I shall not.

Mr. SCHWELLENBACH. I certainly shall not object if the Senator moves to reconsider.

Mr. KING. With that understanding I have no objection.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 6410) granting a pension to Mary Lord Harrison was announced as next in order.

Mr. WALSH. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

JOSEPHINE FONTANA

The bill (H. R. 5793) for the relief of Josephine Fontana was considered, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 4221) for the relief of John M. Fuller was announced as next in order.

Mr. McKELLAR. Mr. President, may we have an explanation of that bill? If not, let it go over.

The PRESIDING OFFICER. The bill will be passed over.

G. F. FLANDERS AND J. W. TALBERT

The bill (H. R. 5195) for the relief of G. F. Flanders and J. W. Talbert was considered, ordered to a third reading, read the third time, and passed.

LYDIA M. WHITE

The bill (H. R. 5249) for the relief of Lydia M. White was considered, ordered to a third reading, read the third time, and passed.

JAMES SCHERER

The bill (H. R. 5562) for the relief of James Scherer, a minor, was considered, ordered to a third reading, read the third time, and passed.

DORIS A. REESE

The bill (H. R. 5905) for the relief of Doris A. Reese was considered, ordered to a third reading, read the third time, and passed.

J. H. YELTON

The bill (H. R. 6642) for the relief of J. H. Yelton was considered, ordered to a third reading, read the third time, and passed.

HENRY M. HYER

The Senate proceeded to consider the bill (H. R. 2362) for the relief of Henry M. Hyer, which had been reported from the Committee on Claims with an amendment, on page 1, line 7, after the words "sum of", to strike out "\$1,250" and to insert "\$500", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury allocated by the President for the maintenance and operation of the Civilian Conservation Corps, to Henry M. Hyer, Charleston, S. C., the sum of \$500 in full settlement of all claims against the United States for personal injuries received by him when the automobile in which he was riding was struck, on United States Highway No. 17, near Charleston, S. C., on October 21, 1935, by a truck in the service of the Civilian Conservation Corps: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

W. D. PRESLEY

The Senate proceeded to consider the bill (H. R. 2665) for the relief of W. D. Presley, which had been reported from the Committee on Claims with an amendment, on page 1, line 6, after the words "sum of", to strike out "\$1,250" and to insert "\$665", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to W. D. Presley, of Commerce, Ga., the sum of \$665, in full settlement of his claim against the United States for personal injuries sustained by him when, on October 23, 1935, the car in which he was riding was struck by a Soil Conservation Service truck, of the Department of Agriculture, on the Jefferson-Commerce Road in Jackson County, Ga.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

CLAIM OF GEORGE W. HALL AGAINST THE UNITED STATES

The Senate proceeded to consider the bill (H. R. 5737) to confer jurisdiction on the Court of Claims to hear, determine, and render judgment upon the claim of George W. Hall against the United States, which had been reported from the Committee on Claims with an amendment to add a proviso at the end of the bill, so as to make the bill read:

Be it enacted, etc., That jurisdiction is hereby conferred upon the Court of Claims of the United States to hear, determine, and

render judgment, as if the United States were suable in tort, upon the claim of George W. Hall, of Reidsville, N. C., for damages resulting from personal injuries received by him on December 14, 1927, near Blackstone, Va., while an employee of the American Railway Express Co., riding on train No. 4 of the Norfolk & Western Railway Co., at which time he is alleged to have been a servant of the United States engaged in the performance of his duties handling the United States mails: *Provided*, That suit hereunder shall be instituted within 1 year after the approval of this act: *Provided further*, That the judgment, if any, shall not exceed the sum of \$15,000.

Mr. KING. Mr. President, I should like an explanation of the bill.

Mr. SCHWELLENBACH. Mr. President, this is a bill for the relief of George W. Hall, who was injured on the Baltimore & Ohio Railroad through the negligence of either the Baltimore & Ohio Railroad, the American Express Co., or the Post Office Department. He sued the railroad company and the express company and received a substantial judgment. I think the judgment was for \$25,000. The case was appealed and the court sent it back with instructions to dismiss the express company. Hall then proceeded with his case against the railroad company alone, and the court at that time held that he was not entitled to recover from the railroad company but was entitled to recover from the United States Government.

He clearly suffered a substantial injury. There was no question that it was not due to his fault. He has proceeded in the courts, and the courts have held that he has no remedy against either of the other two defendants. The purpose of this bill is to permit him to present his case to the Court of Claims, for them to decide whether or not the Federal Government is responsible.

Mr. KING. Mr. President, will the Senator permit an inquiry at this point?

Mr. SCHWELLENBACH. Yes.

Mr. KING. Was Hall an employee of the Government?

Mr. SCHWELLENBACH. Yes.

Mr. KING. Why should he not come under the Compensation Act which provides compensation for injuries to employees of the Government? Why should he be singled out and given an advantage over other employees of the Government who may receive injuries while in the employ of the Government?

Mr. SCHWELLENBACH. The Government hires the express company and the railroad company to carry its mail. Hall was employed in the mail car, and there is a question as to whether he was an employee of the Government, or whether he was an employee of the express company.

Mr. KING. If it shall be determined, in an action which may be brought against the Government, that he was an employee of the Government, would he not then fall within the category of Government employees, and receive the compensation provided for injured employees of the Government? It seems to me we are giving him an advantage over other employees of the Government.

Mr. SCHWELLENBACH. The theory under which the case was decided was that if an employer furnishes an employee to a principal, and that employee is injured during the period of employment, the principal is liable, and not the direct employer.

In this case, as stated in the report, the ostensible employer was the American Express Co. Hall received his salary from the American Express Co., but the court held that since the American Express Co. had turned the whole operation over to the United States Government, the United States Government was liable, and not the American Express Co. or the railroad company. I answered the Senator that Hall was an employee of the Government. Under the terms of the decision he was an employee of the Government, but I do not believe he would be entitled to compensation under the Compensation Act, since he was not directly employed. His pay was not received from the United States Government, but from the American Express Co.

Mr. KING. Then, this would really be an action in tort against the Government of the United States by a person who was not in its employ.

Mr. SCHWELLENBACH. That is correct.

Mr. KING. Does the Senator think the facts warrant a finding of liability upon the part of the Federal Government?

Mr. SCHWELLENBACH. Certainly the man has been injured through no fault of his own, and he is entitled to some remedy. He received a judgment, as I remember, of \$25,000 against the two defendants, and then something like \$20,000 against the American Express Co. The courts have held that he was not entitled to recover against either the railroad company or the express company because of the fact that the operation was under the control of the United States Government. I do not think Congress wants to be in the position of saying, when its Federal courts rule that a man is not entitled to recover against his ostensible employer, that he should be deprived of the opportunity of recovering from the Federal Government.

Mr. McKELLAR. This bill merely refers the matter to the Court of Claims.

Mr. SCHWELLENBACH. Yes; all it does is to refer the matter to the Court of Claims.

Mr. HATCH. All the bill does is to give the man his day in court.

Mr. SCHWELLENBACH. That is all.

Mr. HATCH. It does not determine liability.

Mr. SCHWELLENBACH. Oh, no; not at all. I will say frankly that when he gets into the Court of Claims, the Court of Claims will probably say that the Baltimore & Ohio Railroad or the American Express Co. was liable; and he will not be able to recover anything. But certainly he is entitled to have that question decided by the Court of Claims.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

MATTIE L. CARVER

The bill (H. R. 6844) for the relief of Mattie L. Carver was considered, ordered to a third reading, read the third time, and passed.

G. D. THORNHILL AND JAMES T. ROGERS

The bill (H. R. 7173) for the relief of G. D. Thornhill and James T. Rogers was considered, ordered to a third reading, read the third time, and passed.

J. C. JONES

The bill (H. R. 7245) for the relief of J. C. Jones was considered, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 7104) for the relief of F. Gray Griswold was announced as next in order.

Mr. McKELLAR. Mr. President, may we have an explanation of that bill? If not, let it go over.

The PRESIDING OFFICER. The bill will be passed over.

J. C. PROSSER

The bill (H. R. 6238) for the relief of J. C. Prosser was considered, ordered to a third reading, read the third time, and passed.

HAROLD JACOBSON

The bill (H. R. 5449) for the relief of Harold Jacobson was considered, ordered to a third reading, read the third time, and passed.

CLAIM OF TIDEWATER CONSTRUCTION CORPORATION

The Senate proceeded to consider the bill (H. R. 3915) conferring jurisdiction upon the United States District Court for the Eastern District of Virginia to hear, determine, and render judgment upon the claim of the Tidewater Construction Corporation, which had been reported from the Committee

on Claims with an amendment, on page 2, line 19, to add a further proviso, so as to make the bill read:

Be it enacted, etc., That the claim of Tidewater Construction Corporation against the United States for damages alleged to have been sustained by Tidewater Construction Corporation on June 4, 1936, by reason of the steamship *Daniel Webster*, then owned by the United States, and in tow of the tug *Hawk*, also owned by the United States, colliding with and doing damage to certain portions of the fender piling and other parts of the James River Bridge near Newport News, Va., which the said Tidewater Construction Corporation was then engaged in repairing, may be sued for by the said Tidewater Construction Corporation in the United States District Court for the Eastern District of Virginia, and that said court shall have jurisdiction to hear and determine such suit and to enter a judgment and decree for such damages and costs, if any, as shall be found to be due against the United States in favor of the said Tidewater Construction Corporation upon the same principles and measures of liability as in like cases as if said suit were brought under the twentieth paragraph of section 24 of the Judicial Code, as amended, and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided for by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend said United States: *Provided further*, That said suit shall be brought and commenced within 4 months from the date of the passage of this act: *And provided further*, That the judgment, if any, shall not exceed the sum of \$3,900.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

RUTH RULE

The Senate proceeded to consider the bill (H. R. 5731) for the relief of Ruth Rule, a minor, which had been reported from the Committee on Claims with an amendment, on page 1, line 7, after the words "sum of", to strike out "\$5,000" and to insert "\$3,500", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the legal guardian of Ruth Rule, a minor, of Grove, Okla., the sum of \$3,500, in full settlement of all claims against the United States for personal injuries sustained by her on April 3, 1936, when the automobile in which she was riding was driven into an unguarded excavation made by Works Progress Administration employees in connection with the W. P. A. project 1-466-H, in Delaware County, Okla.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

E. A. CAYLOR

The bill (H. R. 592) for the relief of E. A. Caylor was considered, ordered to a third reading, read the third time, and passed.

JOSEPH PETHERSKY

The bill (H. R. 734) for the relief of Joseph Pethersky was considered, ordered to a third reading, read the third time, and passed.

WILLIAM R. HERRICK

The bill (H. R. 4020) for the relief of William R. Herrick was considered, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 6232) for the relief of Frank Christy and other disbursing agents in the Indian Service of the United States was announced as next in order.

Mr. McKELLAR. Mr. President, may we have an explanation of that bill?

The PRESIDING OFFICER. The Senator who reported the bill does not appear to be in the Chamber at the moment.

Mr. McKELLAR. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

JOHN W. WATSON

The bill (H. R. 6397) for the relief of John W. Watson was considered, ordered to a third reading, read the third time, and passed.

FRANK M. GILBERT

The bill (H. R. 6981) for the relief of Frank M. Gilbert was considered, ordered to a third reading, read the third time, and passed.

RALPH J. NEIKIRK

The bill (H. R. 6471) for the relief of Ralph J. Neikirk was considered, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 7676) for the relief of the Complete Machinery & Equipment Co., Inc., and others, was announced as next in order.

Mr. McKELLAR. Mr. President, I should like to have an explanation of the bill.

The PRESIDING OFFICER. The Senator who reported the bill does not appear to be in the Chamber at the moment.

Mr. McKELLAR. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

CARL DEMENT WEAVER AND DONALD W. SUPERNOIS

The bill (H. R. 7678) for the relief of Carl Dement Weaver and Donald W. Supernois was considered, ordered to a third reading, read the third time, and passed.

H. W. ADELBERGER, JR.

The bill (S. 2966) authorizing the Comptroller General to settle and adjust the claim of H. W. Adelberger, Jr., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he hereby is, authorized and directed to settle and adjust the claim of H. W. Adelberger, Jr., for reimbursement of expenses incurred in repairing an excavator owned by him which was damaged while being used by the United States Public Health Service, Treasury Department, during July and August 1935, and to allow in full and final settlement of the claim the sum of not to exceed \$95.05. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$95.05, or so much thereof as may be necessary, for the payment of the claim: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

RELIEF OF FARMERS WHOSE CROPS WERE DESTROYED BY HAILSTORMS

Mr. SMITH. Mr. President, while I was absent from the Chamber, Calendar No. 1314, being Senate Joint Resolution 201, was passed over. I should like to have consideration of and action on the joint resolution at this time.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Carolina that the Senate proceed to the consideration at this time of Senate Joint Resolution 201?

Mr. KING. I shall not object, but I should like an explanation of the measure.

There being no objection, the Senate proceeded to consider the joint resolution (S. J. Res. 201) for the relief of certain persons conducting farming operations whose crops were destroyed by hailstorms, which had been reported from the Committee on Agriculture and Forestry with an amendment, on page 2, line 3, after the word "authorized", to strike out "and directed", so as to make the joint resolution read:

Resolved, etc., That the Secretary of Agriculture is authorized to make grants aggregating not in excess of \$200,000, through the Resettlement Administration, out of any sums allocated by the President to the Resettlement Administration from the sums appropriated by the Emergency Relief Appropriation Act of 1937, to those farm operators in the State of South Carolina whose crops were destroyed by the hailstorms which on June 30, 1937,

and July 4, 1937, caused the destruction of crops in several counties in such State, and who shall be found by the Secretary, to be in need or to have had their credit so impaired as a result of such destruction as to be unable to continue independent farming operations without securing financial assistance: *Provided*, That no such grant shall be made to any person until the county in which he conducts his farming operation agrees with the Secretary to abate during the calendar year 1937 all taxes on any real or personal property used by such person in conducting his farming operations. Such grants (1) shall be made to persons eligible therefor upon the basis of the average annual crop yield over the period 1932 to 1936, both inclusive, of that number of acres upon which crops were destroyed for which no benefit payments are payable during 1937 by the Secretary under the provisions of the Soil Conservation and Domestic Allotment Act; (2) shall be computed upon the same basis as the benefits payable under such Act for the withdrawal of land from production are computed; and (3) shall be divided between the person carrying on the farming operations and the owner of the land on which such operations are being carried on in the same manner as such benefits are divided.

Mr. SMITH. Mr. President, in 1937 about 11 or 12 counties in my State suffered the most disastrous hailstorm in the history of the State. The storm occurred at a time of the year when every vestige of the growing crops was destroyed. The conditions were inspected by the Federal authorities as well as the State authorities. The joint resolution authorizes the Secretary of Agriculture to make grants not in excess of \$200,000, through the Resettlement Administration, the funds to be taken from the Emergency Relief Appropriation Act of 1937. The grants will be made to the persons affected according to their several needs, and it is provided that the counties shall exempt from taxation their personal and real estate in order to enable them to carry on. They have no credit; they have absolutely been wiped out, and cannot even get the benefit payments for diverted acreage, because all their crops were destroyed and there was no basis upon which to calculate such benefits. So it is provided that they shall receive the payment which otherwise they would have received on the basis of the ordinary average crop and the diversion of acreage. The joint resolution provides that from the source I have indicated they shall receive this amount to enable them to carry on this year. It is a small amount, and the counties are also to exempt them from taxation before the money may be paid. These people are certainly in great distress.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

A. D. WEIKERT

The Senate proceeded to consider the bill (S. 1340) for the relief of A. D. Weikert, which had been reported from the Committee on Claims with amendments, on page 1, line 6, after the word "of" at the beginning of the line, to strike out "\$85" and insert "\$75", and at the end of the bill to add a proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to A. D. Weikert, of Somers, Mont., the sum of \$75 in full satisfaction of his claim against the United States arising out of the death of his horse on August 27, 1935, from accidental causes, while being used by the Civilian Conservation Corps in connection with emergency conservation work in Glacier National Park, Mont.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ISSUANCE OF CERTIFICATES BY OFFICERS OF BUREAU OF MARINE INSPECTION AND NAVIGATION

The bill (S. 3351) to amend the act of March 4, 1915, as amended, the act of June 23, 1936, section 4551, of the Re-

vised Statutes of the United States, as amended, and for other purposes, was announced as next in order.

Mr. McKELLAR. Let the bill go over.

Mr. COPELAND. Mr. President, may I say a word about this bill?

Mr. McKELLAR. I shall be glad to have an explanation. I withhold the objection.

Mr. COPELAND. This is a bill designed merely to permit the Department of Commerce to allow, among other officials, the assistant inspectors, who are already in the department, to issue certain certificates. It will involve no cost; it is really a departmental matter.

Mr. McKELLAR. Why can they not issue certificates now?

Mr. COPELAND. If the Senator will look on the first page of the bill, he will find that its purpose is to permit any inspector of hulls or any inspector of boilers, who may do so now, or any assistant inspector designated for that purpose to issue certain certificates. Do I make clear what I mean?

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. McKELLAR. I have no objection.

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That section 13 of the act of March 4, 1915, as amended (U. S. C., title 46, sec. 672); the act of June 23, 1936 (U. S. C., title 46, sec. 391 (a)); and section 4551 of the Revised Statutes of the United States, as amended (U. S. C., title 46, sec. 643), are hereby amended to permit any inspector of hulls or any inspector of boilers, or any assistant inspector designated for that purpose by a board of local inspectors, to issue certificates of service, certificates of efficiency; tankermen's certificates, continuous-discharge books, and certificates of identification.

Sec. 2. This Act shall become effective on the date of its approval.

EXEMPTION OF CREWS OF CERTAIN VESSELS FROM CERTAIN PROVISIONS OF LAW

The bill (H. R. 7158) to except yachts, tugs, towboats, and unrigged vessels from certain provisions of the act of June 25, 1936, as amended, was announced as next in order.

Mr. McKELLAR. I will ask the Senator from New York for an explanation of the bill.

Mr. COPELAND. Mr. President, this measure relates only to tugs and towboats. We have now an unworkable law. The general law requires that all those who work on boats of this character must be men who have had 3 years' experience and a rating of not less than able seamen. They do not go outside of protected harbors, and the Department has a feeling that a lesser requirement might well be made; that they should have an experience of 1 year, instead of 3 years. Since all seagoing vessels are not included in the provisions of the bill, this seemed to the committee to be a wise provision; but the committee desires to offer an amendment to the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. COPELAND. On behalf of the committee, I offer the amendment which I send forward.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. At the proper place in the bill, it is proposed to insert the following:

Provided, however, That the licensed officers and members of the crews of unrigged vessels shall not be required to work more than 8 hours in any 24 hours.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the provisions of section 1 of the act of Congress approved June 25, 1936, as amended (U. S. C., 1934 ed., Supp. 11, title 46, sec. 643), requiring the manning of certain mer-

chant vessels by persons holding certificates of service or efficiency issued by the Bureau of Marine Inspection and Navigation shall not apply as to unrigged vessels, except seagoing barges, and that, insofar as said provisions apply to tugs and towboats, the said provisions are hereby modified as follows:

(a) Able seamen shall not be required in the deck crew of tugs and towboats on the bays and sounds connected directly with the seas, and every person may be rated an able seaman for the purpose of serving on tugs and towboats on the seas who is 19 years of age and upwards and who has had at least 18 months of service on deck at sea or on the Great Lakes or on the bays and sounds connected directly with the seas; and

(b) Service and rating at least equal to that of coal passer or wiper in the engine department of tugs and towboats operating on the seas or Great Lakes or on the bays and sounds connected directly with the seas shall be considered as meeting the requirement of subsection (e) of section 1 of said act, which requires that an applicant for rating under that subsection shall produce to the inspector of the Bureau of Marine Inspection and Navigation definite proof of at least 6 months' service at sea in a rating at least equal to that of coal passer or wiper in the engine department of vessels required by said act to have such certificated men.

Nothing in this section shall restrict or modify any of the other provisions of section 1 of said act, which must be complied with before the certificates therein authorized can be granted.

Sec. 2. That the provisions of sections 2 and 4 of the act aforesaid shall not apply to unrigged vessels except seagoing barges.

Sec. 3. Provisions of section 4551 of the Revised Statutes of the United States, as amended, approved March 24, 1937 (Public, No. 25, 75th Cong.), shall not apply to unrigged vessels except seagoing barges.

Sec. 4. That when used in this act—

(1) The term "unrigged vessel" means any vessel that is not self-propelled;

(2) The term "seagoing barge" means any barge which from its design and construction may be reasonably expected to encounter and ride out the ordinary perils of the seas and which in fact in the usual course of its operations passes outside the line dividing inland waters from the high seas, as defined in section 2 of the act of February 19, 1895, as amended (U. S. C., 1934 ed., title 33, sec. 151).

Mr. COPELAND. I ask unanimous consent that there may be printed in the RECORD at this point the first committee report on this bill and also a supplemental committee report thereon.

The PRESIDING OFFICER. Without objection, the reports will be printed in the RECORD.

The reports referred to are as follows:

The Committee on Commerce, to whom was referred the bill (H. R. 7158) to except yachts, tugs, towboats, and unrigged vessels from certain provisions of the act of June 25, 1936, as amended, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The bill has the approval of the Department of Commerce and the Bureau of the Budget, as may be seen from the following communications and House report:

[H. Rept. No. 1223, 75th Cong., 1st sess.]

"The Committee on Merchant Marine and Fisheries, to whom was referred the bill (H. R. 7158) to except yachts, tugs, towboats, and unrigged vessels from certain provisions of the act of June 25, 1936, as amended, having had the same under consideration, report it back to the House with the following amendment, and, as so amended, recommend that the bill do pass.

"The amendment proposed by your committee is as follows:

"Strike out all after the enacting clause and insert in lieu of the matter stricken out the following:

"That section 8 of the act of Congress approved June 25, 1936, as amended (U. S. C., 1934 ed., Supp. II, title 46, sec. 690; Public, No. 25, 75th Cong.), is hereby amended to read as follows:

"Sec. 8. (a) No provision of this act and no amendment made by this act shall apply to fishing or whaling vessels. The provisions of law amended by this act shall continue in effect insofar as they are applicable to said vessels with like force and effect as if this act had not been passed.

"(h) The provisions of section 1 of this act, requiring the manning of certain merchant vessels by persons holding certificates of service or efficiency issued by the Bureau of Marine Inspection and Navigation, shall not apply to the manning of yachts or unrigged vessels except seagoing barges. Notwithstanding the foregoing provision, credit may be given for the time served on yachts or unrigged vessels of 100 tons gross or upwards, or on tugs, towboats, or decked fishing vessels and vessels in the United States Government service, except those navigating the smaller inland lakes, in computing the total length of service required by section 1 of this act for a certificate of service or efficiency.

"(c) The provisions of sections 2 and 4 of this act shall not apply to yachts or unrigged vessels except seagoing barges.

"(d) Subsection (1) of section 4551 of the Revised Statutes, as amended (Public, No. 25, 75th Cong.), is amended to read as follows:

"(1) The provisions of this section shall not apply to fishing or whaling vessels, yachts, or unrigged vessels."

"(e) The provisions of section 5 (b) of this act shall not apply to yachts."

"(f) When used in this section—

"(1) The term 'unrigged vessel' means any vessel that is not self-propelled."

"(2) The term 'seagoing barge' means any barge which may be expected to encounter and ride out the ordinary perils of the high seas and which in fact in the usual course of its operations passes outside the line dividing inland waters from the high seas, as defined in section 2 of the act of June 19, 1935 (U. S. C., 1934 edition, title 33, sec. 151)."

"The substitute recommended by the committee carries out the purposes of the bill as introduced, which was to exempt unrigged vessels (except seagoing barges) from Public, No. 808, Seventy-fourth Congress, and at the same time clarifies some inconsistencies arising from existing exemptions to such act. Public, 808, provides for examinations for certificates of service as able seamen, the three-watch system, continuous discharge books or identification certificates, inspection of crews' quarters, and 75-percent-citizen crews with 100-percent-citizen officers."

"Unrigged vessels (except seagoing barges) are added to the classes of vessels exempted from all such provisions of Public, 808 (subsecs. (b), (c), and (d))."

"Under Public, 808, experience on yachts or on vessels (such as towboats) operating on rivers, or on vessels of less than 100 tons, cannot be counted in qualifying for seamen's certificates under Public, 808. Service on decked fishing vessels or vessels of the United States Government service is now credited for such purpose. The bill provides that in computing length of service for certificates of service or efficiency under such act credit may be given for the time served on yachts or unrigged vessels of 100 tons gross or upward, or on tugs or towboats, except those navigating small inland lakes (subsec. (b))."

"The exemption of fishing and whaling vessels from all such provisions of Public, 808, continues in effect (subsecs. (a) and (d) of sec. 8 of the bill)."

"Yachts continue to be exempt from the provisions of Public, 808 (subsecs. (b), (c), (d), and (e)), except from sections 5 (a) requiring all officers and pilots to be American citizens) of such act, but other laws and regulations already in effect require applicants for licenses as officers to be native-born or naturalized citizens of the United States, thus insuring all citizen officers on yachts just the same."

"The terms 'unrigged vessel' and 'seagoing barge' are defined (subsec. (f))."

"The Assistant Secretary of Commerce concurs in a report of the Acting Director of the Bureau of Marine Inspection and Navigation recommending the legislation. The Assistant Secretary advises that the memorandum of the Acting Director has been submitted to the Bureau of the Budget, and that that Bureau has advised that there would be no objection to its presentation to your committee."

"The substitute proposed by your committee contains all of the suggestions of the Acting Director. The form of the bill, after conference with the legislative counsel, is changed in the interest of clarity and to avoid confusion."

"The letter of the Acting Secretary of Commerce, dated June 16, 1937, with the accompanying memorandum of the Acting Director of the Bureau of Marine Inspection and Navigation, and letter of the Acting Director of the Bureau of Marine Inspection and Navigation, dated June 29, 1937, follow:

"DEPARTMENT OF COMMERCE,
"Washington, June 16, 1937."

"Hon. S. O. BLAND,
"Chairman, Committee on Merchant Marine and Fisheries,
"House of Representatives, Washington, D. C."

"MY DEAR MR. CHAIRMAN: In your letter dated May 21, 1937, you requested the views and recommendations of the Department concerning H. R. 7158, a bill to except yachts, tugs, towboats, and unrigged vessels from certain provisions of the act of June 25, 1936, as amended."

"Enclosed is a memorandum from the Acting Director of the Bureau of Marine Inspection and Navigation, this Department, concerning the proposed legislation in which I concur. This memorandum has been submitted to the Bureau of the Budget, and that Bureau has advised that there would be no objection to its presentation to your committee."

"Cordially yours,

"J. M. JOHNSON,
"Assistant Secretary of Commerce."

"WASHINGTON, May 27, 1937."

"SECRETARY OF COMMERCE:

"At the request of the Solicitor of the Department, this Bureau submits the following comments on H. R. 7158, Seventy-fifth Congress, first session, a bill to except yachts, tugs, towboats, and unrigged vessels from certain provisions of the act of June 25, 1936, as amended."

"The bill proposes to exempt unrigged vessels from the provisions of section 1 of the act of June 25, 1936, as amended, which now require manning of such vessels by personnel certificated by the local inspectors."

"It provides also that credit may be given, in computing the total length of service required by section 1 of the act for a certificate, for time served on yachts, unrigged vessels of 100 gross tons

and upward; also on tugs and towboats, in addition to service on vessels for which credit is now allowed."

"These two provisions taken together, it is hoped, will tend to relieve the condition at present occasioned by the scarcity of certificated able seamen and certificated members of the engine department."

"In addition, the bill exempts unrigged vessels from the requirement for the three-watch system and for the inspection of crews' quarters. Both of these exemptions are thought by this Bureau to be desirable."

"The bill also exempts unrigged vessels from the requirement contained in section 3 of the act, as amended by the act of March 24, 1937, for continuous discharge books or certificates of identification. Inasmuch as these vessels ordinarily are not required to ship crews before shipping commissioners and also do not carry masters, it is felt that the requirement for discharge books or certificates of identification is unnecessary."

"The bill also requires that all licensed officers and pilots of yachts shall be citizens of the United States, native-born or completely naturalized. This requirement seems to the Bureau to be desirable."

"The Bureau is in favor of passage of the bill."

"H. C. SHEPHEARD, Acting Director."

"DEPARTMENT OF COMMERCE,
"BUREAU OF MARINE INSPECTION AND NAVIGATION,
"Washington, June 29, 1937."

"Hon. S. O. BLAND,
"Chairman, Committee on Merchant Marine and Fisheries,
"House of Representatives, Washington, D. C."

"MY DEAR MR. CHAIRMAN: In accordance with your request, the following comments are submitted herewith on H. R. 7158 (75th Cong., 1st sess.), a bill to exempt yachts, tugs, towboats, and unrigged vessels from certain provisions of the act of June 25, 1936, as amended."

"Section 8 of the act of June 25, 1936, now provides that no provision in the act nor amendment made by the act shall apply to fishing or whaling vessels or yachts. H. R. 7158 proposes to remove yachts from the blanket exemption and exempt them from only certain provisions of those sections of the act of June 25, 1936, as amended."

"Numerous complaints have been received by the Bureau and the following explanation indicates the inequities brought about by the blanket exemption granted to yachts."

"1. Seamen on yachts are not required to possess certificates of service, continuous discharge books, or identification certificates. No objection is raised to this exemption by the Bureau nor has it been informed as to any objections by the owners of yachts or from labor. H. R. 7158 does not change Public, 808, in this respect."

"Section 8 of Public, 808, prohibits the experience gained by the seamen on a yacht of any size from being credited as any part of the experience required by law for the rating of able seamen or qualified members of the engine department."

"Subsection (a) of section 13 of the act of March 4, 1915, as amended by Public, 808, specifies the experience required for an able seaman, and subsection (e) the experience required for the rating of a qualified member of the engine department. The pertinent portions of the subsections above referred to are as follows:

"(a) * * * Every person shall be rated an able seaman, * * * including decked fishing vessels, and vessels in United States Government service * * * on a vessel or vessels to which this section applies * * *"

"(e) * * * An applicant for such rating shall produce to such inspectors definite proof of at least 6 months' service at sea in a rating at least equal to that of coal passer or wiper in the engine department of vessels required by this act to have such certificated men."

"As yachts are exempted from all of the provisions of the act under section 8 a seaman on a yacht is not entitled to obtain a certificate as an able seaman or a certificate as a qualified member of the engine department. The obvious inequity is that the recognition of experience is dependent upon what the vessel is termed. For example, should the owner have the vessel certificated as a passenger vessel, the seaman's experience would qualify him for the certificates, whereas the opposite is true if the same vessel remains a yacht. Ex-yachts of over 100 tons do carry passengers and are certificated as passenger vessels. They are generally engaged in day trips to the fishing grounds off our coasts. The seamen employed on such vessels are qualified for certificates under Public, 808, but a seaman on a yacht that may go on world cruises traversing the seven seas is not qualified. H. R. 7158 would correct this situation for it amends Public, 808, by deleting the word 'yacht' in section 8 of Public, 808, and includes yachts in subsection (b) of the proposed revision of section 8."

"The Bureau concurs with the proposed amendment."

"2. Due to the fact that Public, 808, does not apply to vessels operating on rivers or to vessels of less than 100 tons, a serious handicap arises which is most objectionable to the towboat interests. Seamen on a towboat of say 150 gross tons operating in New York Harbor (New York Harbor being a river such towboats are exempt from the provisions of Public, 808), are not qualified to obtain certificates, yet if that same towboat took a barge to the dumping grounds a short distance beyond the harbor limits or went up Long Island Sound, the services of the seamen would qualify them for a certificate insofar as experience is concerned."

Also, the average tonnage of towboats is estimated at 100 tons. A seaman on a 95-ton towboat, although operating on coastwise waters, is not qualified for a certificate in that Public, 808, does not apply to such towboats of less than 100 gross tons, so that regardless of years of experience the seaman could not be lawfully employed on a slightly larger towboat operating on the same waters.

"Subsection (b) of section 8, H. R. 7158, proposes to correct these two situations by placing towboats in the same category as decked fishing vessels and vessels in United States Government service. Certainly a seaman's time on a 95-ton towboat owned by private interests should be considered equivalent to his services on a 95-ton Navy tug.

"The Bureau concurs with the proposed amendment.

"3. Considerable difficulty is being experienced in obtaining able seamen for barges. Public, 808, exempts river barges from its provisions, and H. R. 7158 proposes to extend that exemption to barges operating on sounds and to the dumping grounds outside of harbor limits and to seagoing barges (seagoing barge is a barge which may be expected to encounter and ride out the ordinary perils of the sea and which in fact does go to sea) by exempting unrigged vessels. (Unrigged vessels is any nonpropelled vessel. Yacht is a vessel which is used exclusively for pleasure and may not be used for any other purpose.) It is quite probable that much of the difficulty experienced in obtaining certificated men for seagoing barges is due to the low wages and living conditions. Certificated men have been required on such seagoing barges since 1915, and the Bureau does not recommend that such exemptions should be granted at this time. It is felt that seagoing barges should carry able seamen and be subject to the three-watch system and the monthly inspection of crews' quarters.

"The Bureau does believe that barges operating to the dumping grounds and on the sounds should be exempted, for they would never be subject to the three-watch system. The majority have no crews' quarters, and where crews' quarters are provided they are for the accommodation of one or two persons. The cleanliness of their quarters should not be subject to monthly supervision of steamboat inspectors.

"To carry out the Bureau's views H. R. 7158 should be amended as follows:

"On page 2, lines 13 and 22, insert the words 'except seagoing barges' after the words 'unrigged vessels.'

"Subsection (d) of the bill proposes to exempt yachts and unrigged vessels of all descriptions from the requirements for continuous-discharge books, certificates of identification, and certificates of discharge. Yachts are already exempt from this requirement and the Bureau perceives no reason to require personnel of yachts to possess continuous-discharge books, certificates of identification, or certificates of discharge.

"Insofar as unrigged vessels are concerned, provision is made in the bill if amended as suggested, for exempting the crews of such vessels, except seagoing barges, from the requirement of certificates of service. If certificates of service are not to be required, there appears to be no good reason for requiring the crews of such vessels to have continuous-discharge books or certificates of identification. In addition, the courts have held on several occasions that the deck hands or persons employed on barges of all descriptions, including seagoing barges, are not masters in fact, but are simply deck hands and do not have the authority, the duties, nor the responsibilities of a master.

"Section 3 of the act of June 25, 1936, as amended, requires that 'where vessels are not required to sign on and discharge the crew before a shipping commissioner the duties and functions required by subsections (d) and (e) of this section to be performed by the shipping commissioner shall be performed by the master of such vessel.'

"The subsections herein referred to require the making of entry in the continuous-discharge book, or the furnishing of a properly completed certificate of discharge for the seaman.

"In those cases where vessels are required to discharge the crews before a shipping commissioner the discharge is required to be by the master. As it is obviously impossible for the master to discharge seamen, or for the master to make an entry in a continuous-discharge book or certificate of discharge on vessels which have no master, it appears that in the case of unrigged vessels the requirement for continuous-discharge books, certificates of identification, or certificates of discharge is without effect as it is impossible of fulfillment. The present bill will remedy this situation.

"Subsection (e) provides that yachts shall be exempt from the provision of section 5 (b) of the act of June 25, 1936, as amended. At the present time yachts are exempted from the provisions of section 5 (a) of that act which requires:

"From and after the enactment of this act all licensed officers and pilots of vessels of the United States shall be citizens of the United States native born or completely naturalized."

"Although yachts are exempt at the present time from those provisions, the steamboat inspection laws and regulations established thereunder require that every applicant for license as master, pilot, mate, and engineer shall make oath that he is either a native-born or naturalized citizen of the United States. In view of the fact that all officers must be citizens prior to receiving a license from this Bureau, it follows that licensed officers on yachts must in fact be citizens; consequently, there will be no change in the requirement for citizenship for such licensed officers by failing to specifically exempt yachts from the provisions of section 5 (a) of the act.

"Section 5 (b) of the act of June 25, 1936, as amended, requires that 75 percent of the crew, excluding licensed officers, shall be citizens of the United States, native born or completely naturalized. Prior to the enactment of that act there was no law requiring citizenship on vessels of the United States except in the case of those vessels having mail contracts. This, of course, did not apply in any way to yachts. The present act exempts yachts from this requirement for citizenship also. This Bureau sees no reason now to require that yachts comply with such provisions.

"Yachts are at present exempted from the provisions of section 5 (c) which provides that if any vessel, while on a foreign voyage, is for any reason deprived of the services of any member of the crew, such position or vacancy caused by the promotion of another to such position may be supplied by a person other than as defined in paragraphs (a) and (b) until the first call of such vessel at a port in the United States where such replacements can be obtained. As yachts are in the present bill made subject to the provisions of section 5 (a), it follows that they should, of necessity, be made subject to the provisions of section 5 (c) to permit vacancies in the grade of licensed officers and pilots to be filled.

"Sincerely yours,

"H. C. SHEPHEARD, Acting Director."

"CHANGES IN EXISTING LAW

"In compliance with paragraph 2a of rule XIII of the Rules of the House of Representatives, changes in section 8 of Public, No. 808, Seventy-fourth Congress, made by the bill are shown as follows (existing law proposed to be omitted is enclosed in black brackets; new matter is printed in italics; existing law in which no change is proposed is shown in roman):

"Sec. 8. (a) No provision of this act and no amendment made by this act shall apply to fishing or whaling [vessels or yachts: *Provided, however, That the [vessels. The provisions of law [herein] amended by this act shall continue in effect insofar as they are applicable to said vessels [or yachts] with like force and effect as if this act had not been passed.*

"(b) *The provisions of section 1 of this act, requiring the manning of certain merchant vessels by persons holding certificates of service or efficiency issued by the Bureau of Marine Inspection and Navigation, shall not apply to the manning of yachts or unrigged vessels except seagoing barges. Notwithstanding the foregoing provision, credit may be given for the time served on yachts or unrigged vessels of 100 tons gross or upwards, or on tugs, towboats, or decked fishing vessels and vessels in the United States Government service, except those navigating the smaller inland lakes, in computing the total length of service required by section 1 of this act for a certificate of service or efficiency.*

"(c) *The provisions of sections 2 and 4 of this act shall not apply to yachts or unrigged vessels except seagoing barges.*

"(d) *Subsection (i) of section 4551 of the Revised Statutes, as amended (Public, No. 25, 75th Cong.), is amended to read as follows:*

"(i) *The provisions of this section shall not apply to fishing or whaling vessels, yachts, or unrigged vessels.*

"(e) *The provisions of section 5 (b) of this act shall not apply to yachts.*

"(f) *When used in this section—*

"(1) *The term "unrigged vessel" means any vessel that is not self-propelled.*

"(2) *The term "seagoing barge" means any barge which may be expected to encounter and ride out of the ordinary perils of the high seas and which in fact in the usual course of its operations passes outside the line dividing inland waters from the high seas, as defined in section 2 of the act of June 19, 1935 (U. S. C., 1934 ed., title 33, sec. 151)."*

SUPPLEMENTAL REPORT (TO ACCOMPANY H. R. 7158)

The Committee on Commerce, to whom was referred the bill (H. R. 7158) to exempt yachts, tugs, towboats, and unrigged vessels from certain provisions of the act of June 25, 1936, as amended, having considered the same, report favorably thereon with the recommendation that the bill do pass with an amendment.

The bill has the approval of the Department of Commerce and the Bureau of the Budget.

The purpose of the bill (H. R. 7158) is to correct conditions which are unworkable under existing law. It relates only to tugs and towboats and unrigged vessels, excepting, however, seagoing barges. An unrigged vessel, as defined by the bill, is any vessel that is not self-propelled. This would include harbor barges and seagoing barges. These latter go to sea and need more exacting conditions than harbor barges. Accordingly, they are not given the liberalizing provisions of the bill, but are left subject to the former law.

Under Public, 808, Seventy-fourth Congress, approved June 25, 1936, no vessel of 100 tons gross and upward, excepting those navigating rivers exclusively and the small inland lakes, is permitted under ordinary circumstances to depart from any port of the United States unless 65 percent of her deck crew, exclusive of licensed officers and apprentices, are of a rating not less than able seaman. Under this same act a man, in order to attain the rating of an able seaman, must have at least 3 years' service on deck at sea or on the Great Lakes on a vessel of 100 tons gross or upward, including decked fishing vessels and vessels in the United States Government service. In the same way, the act lays down certain requirements for the men of the engineer department, and this results, when applied to harbor tugs, in an

anomalous situation, which is described by the Acting Director of the Bureau of Marine Inspection and Navigation as follows:

"Due to the fact that Public, 808, does not apply to vessels operating on rivers or to vessels of less than 100 tons, a serious handicap arises which is most objectionable to the towboat interests. Seamen on a towboat of, say, 150 gross tons operating in New York Harbor (New York Harbor being a river, such towboats are exempt from the provisions of Public, 808) are not qualified to obtain certificates, yet if that same towboat took a barge to the dumping grounds a short distance beyond the harbor limits or went up Long Island Sound, the services of the seamen would qualify them for a certificate as far as experience is concerned. Also the average tonnage of towboats is estimated at 100 tons. A seaman on a 95-ton towboat although operating on coastwise waters is not qualified for a certificate in that Public, 808, does not apply to such towboats of less than 100 gross tons, so that regardless of years of experience the seaman could not lawfully be employed on a slightly larger towboat operating on the same waters."

A similar situation exists in respect to the engine department personnel, and this bill seeks to correct both conditions.

Under this bill, both the deck crew and the engine crew are exempted from these requirements of Public, 808, Seventy-fourth Congress, and special requirements are set forth to cover their service.

In section 2 of the bill, unriggered vessels, except seagoing barges, are exempted from the provisions of sections 2 and 4 of Public, 808, Seventy-fourth Congress. Section 2 of that act provided for a three-watch system for both the deck department and the engine department of all vessels to which the act applied (vessels of 100 tons gross and upward). The three-watch system manifestly was intended to provide for an 8-hour day for men employed in these departments, and a complete exemption of unriggered vessels from the application of section 2 would result in permitting men to be worked any number of hours necessary. It is not believed that it was the purpose to require more than the 8-hour day which was originally intended by the original act.

Section 4 of Public, 808, Seventy-fourth Congress, required the inspection of the crew's quarters of the vessels to which the act applied. Unriggered vessels, except seagoing barges, are exempted from this requirement because they have very little need for crew's quarters and frequently have none.

In order to correct the condition which might arise if the unriggered vessels, except seagoing barges, were entirely exempted from the application of section 2 of Public, 808, Seventy-fourth Congress, the committee has amended section 2 of the present bill by adding a proviso as follows:

"Provided, however, That the licensed officers and members of the crews of unriggered vessels shall not be required to work more than 8 hours in any 24 hours."

NARRAGANSETT BAY BRIDGE

The bill (H. R. 7266) authorizing the State of Rhode Island, acting by and through the Jamestown Bridge Commission as an agency of the State, to construct, maintain, and operate a toll bridge across the west passage of Narragansett Bay between the towns of Jamestown and North Kingstown, was considered, ordered to a third reading, read the third time, and passed.

EXTENSION OF TIME UNDER SETTLEMENT OF WAR CLAIMS ACT, ETC.

The joint resolution (S. J. Res. 253) extending for 2 years the time within which American claimants may make application for payment, under the Settlement of War Claims Act of 1928, of awards of the Mixed Claims Commission and the Tripartite Claims Commission, and extending until March 10, 1940, the time within which Hungarian claimants may make application for payment, under the Settlement of War Claims Act of 1928, of awards of the War Claims Arbitrator was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved, etc., That subsection (g) of section 2 and subsection (f) of section 5 of the Settlement of War Claims Act of 1928, as amended, are further amended, respectively, by striking out the words "10 years" wherever such words appear therein and inserting in lieu thereof the words "12 years."

SEC. 2. The first sentence of subsection (h) of section 6 of the Settlement of War Claims Act of 1928, as amended, is further amended to read as follows:

"No payment shall be made under this section unless application therefor is made by March 10, 1940, in accordance with such regulations as the Secretary of the Treasury may prescribe."

EXCHANGE OF SITES AT MIAMI BEACH, FLA.

The bill (H. R. 8236) authorizing the Secretary of the Treasury to exchange sites at Miami Beach, Dade County, Fla., for Coast Guard purposes was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized to exchange the existing Coast Guard site located at

Miami Beach, Dade County, Fla., commonly known as the House of Refuge property, for any other site located at Miami Beach, Dade County, Fla., which is determined by a board of Coast Guard officers, appointed by the commandant, to be an adequate consideration for such exchange and suitable for Coast Guard purposes, subject to the approval of the Secretary: *Provided*, That the title to any land acquired in this manner by the Government shall be subject to the approval of the Attorney General: *And provided further*, That any conveyance by the Government under this act shall be by a quitclaim deed.

COURT OF PATENT APPEALS

The bill (S. 475) to establish a Court of Patent Appeals, was announced as next in order.

Mr. KING. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. McADOO. Mr. President, I hope my friend from Utah will withdraw his objection. I do not think this is a controversial measure, but it is a measure which is imperatively needed to improve our patent system and machinery. I shall be very glad to explain the bill, if the Senator will withdraw his objection.

Mr. KING. I regret very much that I cannot accede to the request of my dear friend.

The PRESIDING OFFICER. Objection is heard, and the bill will be passed over.

BILL PASSED OVER

The bill (S. 2967) authorizing the Comptroller General to settle and adjust the claim of Tiffany Construction Co. was announced as next in order.

Mr. McKELLAR. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

WILLIAM J. SCHWARZE

The Senate proceeded to consider the bill (S. 1788) for the relief of William J. Schwarze, which had been reported from the Committee on Claims with an amendment, at the end of the bill to insert a proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$36.58 to William J. Schwarze, of Greenwood, Wis., in full settlement of all his claims against the United States (1) for damages sustained by him when the private property of his son, Harold E. Schwarze, was lost in a fire which destroyed the Civilian Conservation Corps barracks at Camp Smith Lake, Wis., where his son was an enrollee, and (2) for reimbursement of the amount paid by him in settlement of charges for two blankets stolen from his son's cot during the latter's absence on furlough: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BLUE RAPIDS GRAVEL CO.

The bill (S. 2566) for the relief of the Blue Rapids Gravel Co., of Blue Rapids, Kans., was announced as next in order.

Mr. McKELLAR. Mr. President, may we have an explanation of this bill?

Mr. CAPPER. Mr. President, the bill as originally introduced provided for the payment of \$812.40, which amount by amendment of the committee has been reduced to \$350.40, in settlement of the claim of the Blue Rapids Gravel Co., of Blue Rapids, Kans., on account of damage to certain pumps and equipment loaned by it to the Civilian Conservation Corps.

Mr. McKELLAR. I withdraw the objection.

The PRESIDING OFFICER. Is there objection to the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment, on page 1, line 7, after the words "sum of", to strike out "\$812.40" and insert "\$350.40", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money allocated by the President for the maintenance and operation of the Civilian Conservation Corps, to the Blue Rapids Gravel Co., of Blue Rapids, Kans., the sum of \$350.40, in full settlement of all claims against the Government for the rental of and damage to certain pumps and related equipment loaned to the Civilian Conservation Corps camp at Seneca, Kans., on or about May 30, 1935, upon the solicitation of R. H. Pennartz, then in charge of the camp, said equipment having been kept and used until March 11, 1936, a period of 9 months and 11 days: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereon shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RESOLUTION PASSED OVER

The resolution (S. Res. 207) providing for an investigation of the National Labor Relations Act by the National Labor Relations Board, was announced as next in order.

Mr. BARKLEY. Let the resolution go over.

The PRESIDING OFFICER. The resolution will be passed over.

ERNEST S. FRAZIER

The bill (S. 3150) for the relief of Ernest S. Frazier was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Whereas the War Department has itself eliminated from the discharge certificate of Ernest S. Frazier, late of the Texas National Guard in Federal service, the words "illiterate and degenerate": Therefore

Be it enacted, etc., That the War Department is hereby authorized and directed to eliminate the words "illiterate and degenerate" from the record of said Ernest S. Frazier wherever the said words occur in such records.

SEC. 2. That the Veterans' Administration is also hereby authorized and directed to eliminate the words "illiterate and degenerate" from the record of Ernest S. Frazier wherever said words occur in such records.

The preamble was agreed to.

HISTORICAL MEMORIAL ON VANCOUVER BARRACKS RESERVATION, WASH.

The bill (S. 3035) to authorize the city of Vancouver, Wash., to construct and maintain a historical memorial on the Vancouver Barracks Military Reservation, Wash., was announced as next in order.

Mr. SCHWELLENBACH. Mr. President, I move that House bill 8460, of identical title and purport, be substituted for the Senate bill and be considered at this time.

The PRESIDING OFFICER. Is there objection?

There being no objection, the bill (H. R. 8460) to authorize the city of Vancouver, Wash., to construct and maintain a historical memorial on the Vancouver Barracks Military Reservation, Wash., was read, considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to issue a permit, under regulations to be prescribed by him, to the city of Vancouver, Wash., to construct and maintain on the Vancouver Barracks Military Reservation, Wash., as a historical memorial, a replica of the Old Hudson's Bay Trading Post, the location and plans to be approved by the Secretary of War, and all work incident to the construction, operation, and maintenance thereof to be without expense to the War Department: *Provided*, That the memorial shall be so enclosed as to preclude direct access to the military reservation therefrom: *Provided further*, That such permission shall be revoked whenever the ground is not used for a historical memorial or whenever it is not kept in good repair and operated under conditions worthy of its historical significance.

Mr. SCHWELLENBACH. I now move that Senate bill 3035, being Calendar No. 1427, be indefinitely postponed.

The motion was agreed to.

EASEMENT OF HIGHWAY PURPOSES TO CERTAIN LAND

The bill (S. 3095) authorizing the Secretary of War to grant to the Coos County Court, of Coquille, Oreg., and the

State of Oregon an easement with respect to certain lands for highway purposes was announced as next in order.

Mr. McKELLAR. Mr. President, may we have an explanation of the bill?

Mr. SHEPPARD. Mr. President, in October 1937 the Coos County Court, of Coquille, Oreg., and the State of Oregon were granted a revocable license by the Secretary of War to construct and maintain a 60-foot highway across certain lands of the United States. The license was granted for a 5-year period, with the express understanding that further continuance of the right of occupancy had to be granted by an act of Congress. Therefore the purpose of the bill under consideration is to authorize the Secretary of War to grant to the Coos County Court, of Coquille, Oreg., and the State of Oregon an easement for highway purposes across certain lands in Coos County owned by the United States, which lands were purchased by the United States in 1899 as a source of rock for jetty construction, and which property is not in use at the present time. The proposed State highway affords the most feasible outlet for inhabitants along the Millicoma River above the Government-owned quarry, and the War Department recommends that this bill be considered favorably.

Mr. McKELLAR. I have no objection to the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of War is authorized and directed to grant to the Coos County Court, of Coquille, Oreg., and the State of Oregon a permanent easement authorizing the grantees to construct and maintain a highway 60 feet in width across lands of the United States situated in Coos County, Oreg., on the north bank of the Millicoma River (north fork of Coos River) in section 13, township 25 south, range 12 west, and section 18, township 25 south, range 11 west, Willamette meridian. The easement authorized to be granted by this act shall be in lieu of the license, revocable at the will of the Secretary of War, granted to such grantees on October 14, 1937, and shall be granted subject to such reasonable conditions as the Secretary of War may deem desirable to include in such grant for the purpose of enabling the United States to make full use of the lands bounding such highway.

BILL PASSED OVER

The bill (S. 2829) authorizing more complete development of that portion of Santa Rosa Island conveyed to the county of Escambia, State of Florida, by the Secretary of War, was announced as next in order.

Mr. BARKLEY and Mr. McKELLAR. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

LANDS IN OREGON

The Senate proceeded to consider the bill (S. 3126) authorizing the Secretary of War to convey a certain parcel of land in Tillamook County, Oreg., to the State of Oregon to be used for highway purposes, which had been reported from the Committee on Military Affairs with an amendment, in section 1, page 2, line 18, after the words "hundred and", to strike out "fifty-four" and insert "forty-six and eight-tenths", so as to make the bill read:

Be it enacted, etc., That the Secretary of War is authorized and directed to convey by quitclaim deed to the State of Oregon a parcel of land located in the northwest quarter of the northwest quarter of section 30, township 1 south, range 9 west, Willamette meridian, Tillamook County, Oreg.; such parcel of land being a portion of the 12-foot roadway which was conveyed by a certain deed dated February 8, 1908, from Annie L. Johnson and Ed Johnson, her husband, to the United States; such parcel being more particularly described as follows: Beginning at a point which is the intersection of the westerly right-of-way line of the Oregon Coast Highway and the south line of said 12-foot roadway; said point being 221.1 feet north and 5.3 feet east of the United States meander corner on the west line of said section 30, and on the north bank of the Hoquarton slough; said point also being 40 feet distant westerly from (when measured at right angles to) the reconstructed center line of the Oregon Coast Highway at Engineer's Station 7+64.1; thence east along the south line of said 12-foot roadway a distance of 154.4 feet to the center of the old county road; thence north 38° west along the center of the county road a distance of 15.2 feet to the north line of said 12-foot roadway; thence west along said north line a distance of 146.8 feet to

a point which is 40 feet distant westerly from (when measured at right angles to) the center line of said Oregon Coast Highway; thence parallel to said highway center line on a 2,904.8-foot radius curve left (the long chord of which bears south 8°18' east 5.87 feet) a distance of 5.9 feet; thence south 8°21' east parallel to said center line a distance of 6.3 feet to the point of beginning, containing forty-two one-thousandths acre.

Sec. 2. The parcel of land authorized to be conveyed by the first section of this act shall be used for highway purposes, and the deed executed by the Secretary shall contain the express condition that if such parcel of land is used for any other purpose it shall revert to the United States.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 3331) to provide for reorganizing agencies of the Government extending the classified civil service, establishing a General Auditing Office and a Department of Welfare, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. This bill is the unfinished business.

SEVERAL SENATORS. Let it go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 153) to prohibit and to prevent the trade practices known as compulsory block-booking and blind selling in the leasing of motion-picture films in interstate and foreign commerce was announced as next in order.

Mr. BARKLEY and Mr. McKELLAR. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

MRS. G. R. SYTH

The Senate proceeded to consider the bill (S. 2532) for the relief of Mrs. G. R. Syth, which had been reported from the Committee on Claims with an amendment at the end of the bill to insert a proviso, so as to make the bill read:

*Be it enacted, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury appropriated for or allocated to the Resettlement Administration, to Mrs. G. R. Syth, of Malta, Mont., the sum of \$300 in full settlement of her claim against the United States for payment for a well located on land (tract No. 62, Milk River land project) which she and her husband sold to the Government, such well being included by the Resettlement Administration in its original appraisal report but not in the purchase price stated in the option taken on such land and subsequently exercised: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.*

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

E. E. TILLET

The Senate proceeded to consider the bill (S. 2553) for the relief of E. E. Tillett, which had been reported from the Committee on Claims with an amendment at the end of the bill to insert a proviso, so as to make the bill read:

Be it enacted, etc., That E. E. Tillett, field supervisor, Emergency Conservation Work, National Park Service, stationed at Honolulu, Territory of Hawaii, is hereby released from any liability to refund or pay to the United States the sum of \$781.64, representing that portion of the total amount authorized by travel order dated June 3, 1935, to be paid by the Department of the Interior to the said E. E. Tillett for the cost of transportation from the District of Columbia to Honolulu, for traveling expenses, and for per diem allowance in lieu of subsistence expenses for the period from June 6, 1935, to October 31, 1935, which was disallowed by the General Accounting Office after payment. No deduction on account of the payment of such sum of \$781.64 shall hereafter be made from any amount due or payable out of Government funds to the said E. E. Tillett; and the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said E. E. Tillett a sum equal to the amount heretofore deducted or withheld on account of such payment, plus the sum of \$575.50, representing that portion of the total amount authorized by travel order dated June 3, 1935, to be paid by the Department of the Interior to the said E. E. Tillett for traveling expenses and for per diem allowance in lieu of subsistence expenses for the period from November 1, 1935, to March 15, 1936, payment of which was disallowed by the General Account-

*ing Office: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.*

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES A. RIFE

The Senate proceeded to consider the bill (S. 2023) for the relief of Charles A. Rife, which had been reported from the Committee on Claims with amendments, on page 1, line 6, after the words "sum of", to strike out "\$243" and insert "\$63", and at the end of the bill to insert a proviso, so as to make the bill read:

*Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Charles A. Rife, of Tupelo, Miss., the sum of \$63 in full satisfaction of his claim against the United States for compensation for services rendered by him as night watchman on a Civil Works Administration project in March and April 1934, said Charles A. Rife having rendered such services after being duly employed but never having received any compensation therefor: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.*

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE W. BRECKENRIDGE

The Senate proceeded to consider the bill (S. 3079) for the relief of George W. Breckenridge, which had been reported from the Committee on Claims with an amendment, on page 1, line 6, after the words "sum of", to strike out "\$389.40" and insert "\$390.44", and at the end of the bill to insert a proviso, so as to make the bill read:

*Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to George W. Breckenridge, of Grass Range, Mont., the sum of \$390.44, representing the amount of his claim for mileage allowance while an employee of the Soil Conservation Service, Department of Agriculture, for travel authorized by means of his privately owned automobile from August to November 1936, inclusive, such claim for mileage having been disallowed by the General Accounting Office as a result of the travel having been performed in an automobile registered in the name of his wife, B. E. Breckenridge: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.*

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (H. R. 6467) for the relief of the Portland Electric Power Co. was announced as next in order.

SEVERAL SENATORS. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 6061) for the relief of Mary Dougherty was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

MR. AND MRS. JOSEPH KONDERISH

The Senate proceeded to consider the bill (S. 2709) for the relief of Mr. and Mrs. Joseph Konderish, which had been reported from the Committee on Claims with an amendment at the end of the bill to insert a proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mr. and Mrs. Joseph Konderish, of Nesquehoning, Pa., parents of Joan Konderish, 4 years of age, the sum of \$1,000 in full satisfaction of their claim against the United States for the death of said minor, resulting from burns received on Wednesday, June 3, 1936, said burns being caused by a fire left burning by Works Progress Administration project workers on Project No. 65-23-2957—community sanitation project—at 5019 Park Street, Nesquehoning, Carbon County, Pa., the project being adjacent to the home of Mr. and Mrs. Joseph Konderish: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

L. M. CRAWFORD

The bill (H. R. 1249) for the relief of L. M. Crawford was announced as next in order.

Mr. McKELLAR. Mr. President, may we have an explanation of this bill?

Mr. CAPPER. Mr. President, this claim arises from the loss by L. M. Crawford of some 382 acres of land in the Rio Grande Valley, about 10 miles northwest of the city of El Paso, Tex. Mr. Crawford claimed title to the lands under a patent issued by the United States to his predecessor in title, one Francisco Garcia.

Crawford lost possession thereof for the reason that the United States, subsequent to his purchase, consented to a fixing of the boundary between New Mexico and Texas. When the boundary was determined, the land in question was placed in the State of Texas, where claimant's title was not recognized. His claim rests on the ground that he bought and paid for the land on the faith of a patent issued by the United States to his predecessor in title; and the amount carried in the bill, as amended, represents the actual cost of the land to him.

The claimant's contention is that the boundary as fixed by the Supreme Court was not the actual and true boundary as it existed when Crawford bought the land, but was a boundary based upon a three-party agreement by the United States and the States of New Mexico and Texas. The claimant maintains that but for this agreement the Supreme Court would have decided that this boundary, in accordance with the general rule, followed the river as it moved by accretion.

Mr. McKELLAR. What is the amount of money involved?

Mr. CAPPER. Fifteen thousand dollars, which the claimant actually paid out for this land because of the fact that the United States consented to a change in the boundary.

Mr. McKELLAR. Let the bill go over for the day, and I will look at it.

The PRESIDING OFFICER. The bill will be passed over.

LYNN E. BARKER

The bill (H. R. 6889) for the relief of Lynn E. Barker was considered, ordered to a third reading, read the third time, and passed.

ELIZABETH F. QUINN AND SARAH FERGUSON

The Senate proceeded to consider the bill (S. 2770) for the relief of Elizabeth F. Quinn and Sarah Ferguson, which had been reported from the Committee on Claims with amendments, on page 1, line 6, after the words "sum of", to strike out "\$1,009.95" and insert "\$1,000"; in line 7, after the words "sum of", to strike out "\$2,509.50" and insert "\$1,000"; and on page 2, line 1, after the words "Marine Corps", to insert "*Provided,* That payment shall not be made under this act until the above-named claimants have released all of their claims against George P. Russell, of Highman, Mass., in a manner satisfactory to the Secretary of the Treasury", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in

the Treasury not otherwise appropriated, to Elizabeth F. Quinn, of Malden, Mass., the sum of \$1,000, and to Sarah Ferguson, of Malden, Mass., the sum of \$1,000, said sums to be in full settlement of all claims against the United States for injuries received by said Elizabeth F. Quinn and Sarah Ferguson on September 26, 1936, in Wakefield, Mass., when they were struck by a truck operated in the service of the United States Marine Corps: *Provided,* That payment shall not be made under this act until the above-named claimants have released all of their claims against George P. Russell, of Highman, Mass., in a manner satisfactory to the Secretary of the Treasury: *Provided further,* That no part of the said amounts appropriated in this act in excess of 10 percent thereof shall be paid or delivered to, or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claims, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not exceeding \$1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MILTON S. MERRILL

The bill (H. R. 3723) for the relief of Milton S. Merrill was considered, ordered to a third reading, read the third time, and passed.

GEORGE MILLER, JR., A MINOR

The bill (H. R. 4138) for the relief of George Miller, Jr., a minor, was considered, ordered to a third reading, read the third time, and passed.

CHARLES N. ROBINSON

The bill (H. R. 4493) for the relief of Charles N. Robinson was considered, ordered to a third reading, read the third time, and passed.

VERDE RIVER IRRIGATION AND POWER DISTRICT

The Senate proceeded to consider the bill (S. 3002) to authorize the Secretary of the Treasury to make settlement with the holders of certain unpaid notes and warrants of the Verde River Irrigation and Power District, which had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and to insert:

That the Federal Emergency Administrator of Public Works is hereby authorized to pay, out of any unexpended fund under his control, not to exceed \$46,024.41 in making settlements with the holders of the unpaid notes and warrants of the Verde River Irrigation and Power District issued in payment for property, services, or supplies furnished, in furtherance of the Verde reclamation project, Arizona, to the district during the period from November 2, 1933, when an allotment of \$4,000,000 for the construction of the Verde project was authorized by the said Administrator, to October 3, 1934, when said allotment was canceled: *Provided,* That any expenditures of the district not incurred as a result of the proposed construction of said Verde reclamation project with funds of the Federal Emergency Administration of Public Works shall not be approved for payment under this act: *Provided further,* That in making said settlements with the holders of said notes and warrants, the Administrator shall consider the reasonable value of the services performed or materials furnished, for which said notes or warrants were given, and where said notes or warrants have been transferred by the original holders, the Administrator shall also consider the price or prices paid by the transferees.

Mr. KING. Mr. President, I ask the able Senator from Arizona [Mr. HAYDEN], who is always so fair and also so persuasive, to make an explanation of this bill.

Mr. HAYDEN. Mr. President, as stated in the report of the committee, an allotment of \$4,000,000 was made for the construction of an irrigation project on the Verde River in Arizona. Certain contractual obligations existed between an irrigation district there and other parties which the Federal Government could not remove, and the district was required to file suit in court to clear up the matter. Other work was imposed upon the district by reason of the allotment. Everything which was done was done at the direction and insistence of the Bureau of Reclamation.

After further investigation the allotment was withdrawn, and the project was not built. We introduced a bill to pay the money, some \$56,000, out of the Treasury. An itemized statement was made which reduces the amount to about \$46,000, and makes it payable from public-works funds available for this purpose, since this was a public-works

project. The Secretary of the Interior heartily recommends the enactment of the legislation.

Mr. KING. I should like to ask the Senator who was at fault for the inauguration of the project and the failure to carry it forward, as the result of which losses were sustained?

Mr. HAYDEN. Nobody was at fault. It was all done in the very best of good faith. It was assumed that the project was feasible, and might be undertaken. Upon a final examination by the Reclamation Service, however, the cost was found to be excessive, and for that reason the project was abandoned; but it was no fault of the people who did this work at the direction of the Reclamation Service.

Mr. KING. Did the persons who are the beneficiaries of the bill do work upon the project?

Mr. HAYDEN. Oh, yes.

Mr. KING. Were they not paid for it?

Mr. HAYDEN. No. They not only did work, but they had done work for years, and the data they had accumulated was turned over to the Reclamation Service. The bill is merely to compensate them, not for anything they did for their own benefit, but for what they did at the direction of the Reclamation Service.

Mr. KING. Why should not this money come out of the reclamation fund?

Mr. HAYDEN. Because it is a public-works project, and the money should come out of public-works funds, the balances they have.

Mr. KING. The money will not come out of a direct appropriation from the Treasury, then.

Mr. McKELLAR. What amount of money is involved?

Mr. HAYDEN. About \$46,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HARRY HUME AINSWORTH

The Senate proceeded to consider the bill (S. 3144) for the relief of Harry Hume Ainsworth, which had been reported from the Committee on Military Affairs with an amendment, on page 1, line 8, after the word "Provided", to strike out "That such recognition of military service rendered to the United States shall not entitle said Harry Hume Ainsworth to any pay or allowances for said period of service beyond that which he may already have received, but that he shall enjoy for himself and his dependents all other rights, privileges, and benefits the same as though he had been regularly enlisted in said Company H, Twentieth Regiment Kansas Volunteer Infantry" and to insert: "That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act", so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to record the name of Harry Hume Ainsworth as having performed honorable military service in Company H, Twentieth Regiment Kansas Volunteer Infantry, between the dates of March 20, 1899, and October 28, 1899, both inclusive: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CLARIFICATION OF STATUS OF PAY AND ALLOWANCES UNDER ACT OF SEPTEMBER 3, 1919

The Senate proceeded to consider the bill (S. 3272) to clarify the status of pay and allowances under the provisions of the act of September 3, 1919, which was read, as follows:

Be it enacted, etc., That pay and allowances accruing under the provisions of the act of September 3, 1919 (41 Stat. 283), during the periods of service heretofore or hereafter performed in Europe under the provisions of the act of March 4, 1923 (42 Stat. 1509), shall be considered as coming within the scope of the act of March 26, 1934 (48 Stat. 466), and included in the computation of exchange losses thereunder.

Mr. KING. Mr. President, let us have an explanation of this bill.

Mr. SHEPPARD. Mr. President, the American Battle Monuments Commission was provided for in the act of March 4, 1923. Gen. John J. Pershing was later appointed by the President to this Commission and became its chairman. His official duties with the Commission required his presence in Europe over a period of several years, for long periods of time. By the act of March 26, 1934, Congress authorized to be appropriated annually such sums as might be necessary to enable the President to meet losses sustained by officers of the United States while in service in foreign countries, due to the appreciation of foreign currencies in their relation to the American dollar.

Mr. McKELLAR. How much money is involved in the bill?

Mr. SHEPPARD. Nearly \$20,000 that has been charged against General Pershing because the Comptroller General would not give him the benefit of the act to which I have referred.

Mr. McKELLAR. I have no objection.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DISPOSITION OF THE WATERS OF THE SNAKE RIVER

Mr. O'MAHONEY. Mr. President, I ask unanimous consent to revert to order of business 1371, House Joint Resolution 150, and to consider it at this time.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the joint resolution (H. J. Res. 150) to permit a compact or agreement between the States of Idaho and Wyoming respecting the disposition and apportionment of the waters of the Snake River and its tributaries, and for other purposes which had been reported from the Committee on Irrigation and Reclamation with an amendment, on page 1, line 5, to strike out "1938" and to insert in lieu thereof "1940", so as to make the joint resolution read:

Resolved, etc., That the consent of Congress is hereby given to the States of Idaho and Wyoming to negotiate and enter into a compact or agreement not later than January 1, 1940, providing for an equitable division and apportionment among said States of the water supply of the Snake River and of the streams tributary thereto, upon conditions that a suitable person shall be appointed by the President of the United States, from the Department of the Interior, who shall participate in said negotiations as the representative of the United States and shall make report to Congress of the proceedings and of any compact or agreement entered into: *Provided*, That any such compact or agreement shall not be binding or obligatory upon any of the parties thereto unless and until the same shall have been approved by the legislature of each of said States and by the Congress of the United States: *And provided further*, That the rights of other nonparticipating interested States shall not be jeopardized by such compact: *Provided further*, That nothing in this act shall apply to any waters within the Yellowstone National Park or the Grand Teton National Park or shall establish any right or interest in or to any lands within the boundaries thereof or any subsequent additions thereto.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. McKELLAR. Mr. President, will not the Senator from Wyoming explain this measure?

Mr. O'MAHONEY. Mr. President, this is merely an authorization for the States of Wyoming and Idaho to enter into a compact for the use of the waters of the Snake River.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time and passed.

BILLS PASSED OVER

The bill (H. R. 6479) for the relief of Guy Salisbury, alias John G. Bowman, alias Alva J. Zenner, was announced as next in order.

Mr. McKELLAR. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2864) to correct the military record of Clayton R. Miller was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.
RED RIVER OF THE NORTH BRIDGE, NORTH DAKOTA AND MINNESOTA

The bill (H. R. 8409) authorizing the State highway departments of North Dakota and Minnesota and the boards of county commissioners of Traill County, N. Dak., and Norman County, Minn., to construct, maintain, and operate a free highway bridge across the Red River of the North between Caledonia, N. Dak., and Shelly, Minn., was considered, ordered to a third reading, read the third time, and passed.

RED RIVER OF THE NORTH BRIDGE, NORTH DAKOTA AND MINNESOTA

The bill (H. R. 8623) authorizing the State highway departments of North Dakota and Minnesota and the boards of county commissioners of Traill County, N. Dak., and Polk County, Minn., to construct, maintain, and operate a free highway bridge across the Red River of the North westerly of Nielsville, Minn., was considered, ordered to a third reading, read the third time, and passed.

ORVILLE FERGUSON

The bill (H. R. 4018) for the relief of Orville Ferguson was announced as next in order.

Mr. McKELLAR. Mr. President, the Department has reported against this bill. Let it go over.

Mr. WALSH. Mr. President, I think the Senator must be mistaken.

Mr. McKELLAR. I read from the statement of the Secretary of the Navy:

In view of the foregoing, and as it appears that the wounding of the claimant was accidental and was due, in part, to his own actions, the Navy Department recommends against the enactment of the bill H. R. 4108.

That is signed by Claude A. Swanson, Secretary of the Navy.

Mr. WALSH. Let the bill go over. I will look into it.

The PRESIDING OFFICER. Objection is heard. The bill will be passed over.

JOHN CALARESO

The Senate proceeded to consider the bill (H. R. 6370) for the relief of John Calareso, a minor, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the legal guardian of John Calareso, a minor, of Somerville, Mass., the sum of \$1,075, in full settlement of all claims against the United States for personal injuries sustained when he was struck by a United States mail truck, June 24, 1930, while crossing Nashua Street, Boston, Mass.: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Mr. McKELLAR. Mr. President, I wish to read from the report of the Post Office Department:

In the circumstances it is believed that the pending bill should receive favorable consideration, but the Department is not disposed to recommend any particular amount as constituting a sufficient award preferring to leave that question for the determination of Congress. It is believed, however, that if an award of compensation is made in this case consideration should be given to the fact that the claimant is holding a \$75 Government check and that fact should either be borne in mind in fixing the amount of the additional award to be made or the claimant should be required to return the uncashed check before receiving the amount allowed by Congress.

Very truly yours,

W. W. HOWES,
Acting Postmaster General.

I move that the bill be amended by reducing the amount by \$75.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 1, line 7, it is proposed to strike out "\$1,075" and to insert in lieu thereof "\$1,000."

The amendment was agreed to.

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The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

L. H. DICKE

The bill (H. R. 6993) for the relief of L. H. Dicke, was considered, ordered to a third reading, read the third time, and passed.

LT. T. L. BARTLETT

The Senate proceeded to consider the bill (S. 2655) for the relief of Lt. T. L. Bartlett, which had been reported from the Committee on Claims with amendments, on page 1, line 3, after the word "Treasury", to strike out "is" and to insert in lieu thereof "be, and he is hereby"; on line 5, after the word "Treasury", to strike out "not otherwise"; on line 5, after the word "appropriated", to strike out "or allocated for the maintenance and operation of the Civilian Conservation Corps"; and to add a proviso at the end of the bill, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated to Lt. T. L. Bartlett, Marine Corps Reserve, of Washington, D. C., the sum of \$104.70 in full satisfaction of all his claims against the United States for damages for the loss of personal property by a fire which resulted when a Civilian Conservation Corps enrollee, of the camp at which he was an officer, placed a lighted candle in his tent contrary to instructions: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 3657) for the relief of Albert Pina Afonso, a minor, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

MARY WAY

The Senate proceeded to consider the bill (S. 1878) for the relief of Mary Way, which had been reported from the Committee on Claims with an amendment, on page 1, line 7, after the words "sum of", to strike out "\$5,000" and to insert "\$4,000", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated and in full settlement of all claims against the United States Government, the sum of \$4,000 to Mary Way, of Escanaba, Mich., for injuries sustained in a collision at Gladstone, Mich., with a Civilian Conservation Corps truck, driven or operated by a member of the Civilian Conservation Corps, on November 14, 1935: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MR. AND MRS. S. A. FELSETHAL AND OTHERS

The bill (S. 3147) for the relief of Mr. and Mrs. S. A. Felsethal, Mr. and Mrs. Sam Friendlander, and Mrs. Gus Levy was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mr. and Mrs. S. A. Felsethal, of Memphis, Tenn., the sum of \$1,382.75; to Mr. and Mrs. Sam Friendlander, of Memphis, Tenn., the sum of \$3,389.50; and to Mrs. Gus Levy, of Jackson, Tenn., the sum of \$107.33. The payment of such sums to the respective persons named shall be in full settlement of all claims against the United States for

damages sustained by the said Mr. and Mrs. S. A. Felsenthal, Mr. and Mrs. Sam Friedlander, and Mrs. Gus Levy on account of personal injuries received by them when an automobile in which they were occupants was struck by a reconnaissance car owned by the United States and operated by an employee of the United States at the time of said accident, near the intersection of Union Avenue and Belvidere Boulevard in the city of Memphis, Tenn., on or about February 18, 1936: *Provided*, That no part of the amounts appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

GEORGE MARSH

The Senate proceeded to consider the bill (S. 2799) for the relief of George Marsh, which had been reported from the Committee on Claims with an amendment to insert a proviso at the end of the bill, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to George Marsh, Gallup, N. Mex., the sum of \$5,000. The payment of such sum shall be in full settlement of all claims against the United States for damages sustained by said George Marsh on account of personal injuries received on the night of September 26, 1936, when the automobile in which he was riding ran into the rear of a truck, with trailer attached, in the service of the Office of Indian Affairs, such truck being parked without proper warning signals in the middle of the highway about 10 miles east of Gallup, N. Mex.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

Mr. McKELLAR. Mr. President, I should like to have the Senator from New Mexico explain the bill.

Mr. HATCH. Mr. President, this is really a very meritorious measure, a case in which the Department itself admits its liability. There is no question at all about liability. The Secretary of the Interior suggested that the award be reduced from the amount in the bill.

Mr. McKELLAR. Was it reduced in accordance with the Department's recommendation?

Mr. HATCH. They suggested a lesser amount, but the committee had other evidence, furnished subsequent to the Department report, as to the extent of the injury, and recommended the full amount of \$5,000.

Mr. McKELLAR. Mr. President, I read from the statement of the Acting Secretary of the Interior:

I invite attention to S. 2138, for the relief of Nelson W. Apple, and S. 2139, for the relief of Camille Carmignani, both of which were passed by the Senate on August 6, 1937. These claims, and the claim of Mr. Marsh, are based upon the same accident. The claim of Mr. Apple was reduced to \$1,000; the claim of Camille Carmignani, based upon the instant death of George Carmignani, was reduced from \$10,000 to \$5,000.

What is the amount provided in the bill?

Mr. HATCH. The amount recommended in the bill is \$5,000, and the Acting Secretary of the Interior himself recommends that the claimant be allowed \$2,500.

Mr. McKELLAR. Five thousand dollars is the amount the Secretary admits is due under this statement, so I have no objection.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN FANNING

The Senate proceeded to consider the bill (S. 3057) for the relief of John Fanning, which had been reported from the Committee on Claims with an amendment, on page 1, line 6, after the words "sum of", to strike out "\$7,625" and to insert in lieu thereof "\$2,500", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in

the Treasury not otherwise appropriated, to John Fanning the sum of \$2,500 in full satisfaction of his claim against the United States arising out of property damage and personal injuries suffered when he was struck by a truck driven by a Navajo Indian near Flagstaff, Ariz., on May 30, 1936: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Mr. McKELLAR. Mr. President, will not the Senator from Arizona explain the bill?

Mr. HAYDEN. Mr. President, as stated in the committee report, there is no question about the liability of the Government in this case.

Mr. McKELLAR. What is the amount that the bill allows?

Mr. HAYDEN. The bill as introduced called for the appropriation of \$7,500, the Department suggested \$5,000, and the committee cut that in half.

Mr. McKELLAR. The committee cut it down to \$2,500?

Mr. HAYDEN. Yes.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COLUMBIA RIVER BRIDGE, OREGON

The bill (S. 3213) to amend the act entitled "An act authorizing the Oregon-Washington Board of Trustees to construct, maintain, and operate a toll bridge across the Columbia River at Astoria, Clatsop County, Oreg.," approved June 13, 1934, as amended, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the last sentence of the first section of the act entitled "An act authorizing the Oregon-Washington Bridge Board of Trustees to construct, maintain, and operate a toll bridge across the Columbia River at Astoria, Clatsop County, Oreg.," approved June 13, 1934, as amended, is amended to read as follows: "Said board of trustees is hereby granted the power to issue bonds or other securities payable from and secured by bridge revenues for the purpose of financing the construction of the said bridge and the right to assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act."

RED RIVER OF THE NORTH BRIDGE, NORTH DAKOTA AND MINNESOTA

The bill (S. 3384) authorizing the State Highway Departments of North Dakota and Minnesota and the Boards of County Commissioners of Traill County, N. Dak., and Norman County, Minn., to construct, maintain, and operate a free highway bridge across the Red River of the North between Caledonia, N. Dak., and Shelly, Minn., was announced as next in order.

Mr. FRAZIER. Mr. President, this bill is identical with House bill 8409, which was passed a few moments ago.

The PRESIDING OFFICER. Without objection, Senate bill 3384 will be indefinitely postponed.

MARK H. DOTY

The Senate proceeded to consider the bill (S. 2876) for the relief of Mark H. Doty, which had been reported from the Committee on Claims with an amendment, on page 1, line 10, after the words "and (2)", to strike out "compensation for loss of time on account of" and to insert "for", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury appropriated or allocated for the maintenance and operation of the Civilian Conservation Corps, to Mark H. Doty, of Winnsboro, S. C., the sum of \$979.90 in full settlement of all his claims against the United States for (1) reimbursement for medical and hospital expenses incurred and (2) for personal injuries received by him when the automobile he was driving was struck, on January 9, 1937, on United States Highway No. 21, at a point about 1 mile south of Winnsboro, S. C., by a Civilian Conservation Corps truck: *Provided*, That no part of the amounts appropriated in this act

in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with such claims. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with such claims, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 3379) for the relief of Arthur T. Miller was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

REGULAR ARMY RESERVE

The bill (S. 3530) to amend the National Defense Act of June 3, 1916, as amended, by reestablishing the Regular Army Reserve, and for other purposes, was announced as next in order.

Mr. KING. Mr. President, may we have an explanation of this bill?

Mr. MILLER. Mr. President, this bill has been drafted in accordance with the President's recommendation in his message of January 28, for the purpose of providing a Regular Army Reserve.

I may say to the distinguished Senator from Utah that the bill was most carefully considered by the Military Affairs Committee, and by a subcommittee, and the bill is in exact accordance with the recommendation of the President and with the necessities of the occasion. It will cost approximately \$450,000 the first year, and under the bill probably 19,000 men will be added to the Regular Army Reserve, with an increase during the 4 years up to 75,000, at a total cost of \$1,800,000, thus raising the enlistment from 165,000 to the additional number.

Mr. KING. Mr. President, I appreciate very much the interest the distinguished Senator from Arkansas has in this measure; his judgment is always such as may be relied upon. But I think we are getting a little too militaristic. I prefer to postpone this until we can have time to look into it a little further, and see how far we are going in appropriations this year. It looks to me as if we will appropriate a billion, five or six hundred million dollars or more for the Army and the Navy before we get through. Let us find out how much cloth we are going to have before we cut the suit.

Mr. MILLER. It is immaterial to me about it being put over, but I wanted the Senator to know what the bill provided.

Mr. KING. I shall be obliged if the Senator will allow it to be passed over.

The PRESIDING OFFICER. Objections being heard, the bill will be passed over.

ARCH HURLEY CONSERVANCY RECLAMATION DISTRICT, NEW MEXICO

The bill (H. R. 8817) to amend an act entitled "An act to authorize the construction of a Federal reclamation project to furnish a water supply for the lands of the Arch Hurley Conservancy District in New Mexico," approved August 2, 1937 (Public, No. 241) was considered, ordered to a third reading, read the third time, and passed.

DELAWARE RIVER BRIDGE, NEW YORK AND PENNSYLVANIA

The bill (S. 3149) authorizing the Interstate Bridge Commission of the State of New York and the Commonwealth of Pennsylvania to reconstruct, maintain, and operate a free highway bridge across the Delaware River between points in the city of Port Jervis, Orange County, N. Y., and the borough of Matamoras, Pike County, Pa., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in order to facilitate interstate commerce, improve the Postal Service, and provide for military and

other purposes, the Interstate Bridge Commission of the State of New York and the Commonwealth of Pennsylvania be, and is hereby, authorized to reconstruct, maintain, and operate a free highway bridge and approaches thereto across the Delaware River between points in the city of Port Jervis, Orange County, N. Y., and the borough of Matamoras, Pike County, Pa., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon the Interstate Bridge Commission of the State of New York and the Commonwealth of Pennsylvania all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

CONTROL OF INSECT PESTS

The Senate proceeded to consider the joint resolution (S. J. Res. 256) to amend the joint resolution entitled "Joint resolution making funds available for the control of incipient or emergency outbreaks of insect pests or plant diseases, including grasshoppers, Mormon crickets, and chinch bugs," approved April 6, 1937, which was read, as follows:

Resolved, etc., That the joint resolution entitled "Joint resolution making funds available for the control of incipient or emergency outbreaks of insect pests or plant diseases, including grasshoppers, Mormon crickets, and chinch bugs," approved April 6, 1937, is amended to read as follows: "That the Secretary of Agriculture, in cooperation with authorities of the States concerned, organizations, or individuals, is authorized and directed to apply such methods for the control of incipient or emergency outbreaks of insect pests or plant diseases, including grasshoppers, Mormon crickets, and chinch bugs as may be necessary.

"SEC. 2. Any sums which may be appropriated for such purpose shall be available for expenditure for the employment of persons and means in the District of Columbia and elsewhere, printing, rent outside the District of Columbia, general administration and supervision, surveys, and the purchase and transportation of poison bait or materials and equipment for control of insect pests or plant diseases, including grasshoppers, Mormon crickets, and chinch bugs, and for the preparation of such poison bait or materials for application, and such other expenses as may be necessary.

"SEC. 3. Materials and equipment for the control of such insect pests and plant diseases may be procured with any sums appropriated to carry out the provisions of this joint resolution without regard to the provisions of section 3709 of the Revised Statutes, as amended, and the transportation thereof may be under such conditions and means as shall be determined by the Secretary of Agriculture to be most advantageous.

"SEC. 4. In the discretion of the Secretary of Agriculture, no part of any sums appropriated to carry out the purposes of this joint resolution shall be expended for the control of incipient or emergency outbreaks of such insect pests or plant diseases in any State until the State concerned has provided the organization or materials and supplies necessary for cooperation with the Federal Government.

"SEC. 5. No part of the sums hereinafter authorized to be appropriated shall be used to pay the cost or value of farm animals, farm crops, or other property injured or destroyed.

"SEC. 6. There are hereby authorized to be appropriated annually such sums as may be necessary to carry out the provisions of this joint resolution."

Mr. MURRAY. Mr. President, in connection with this measure, let me say that subsequent to the action of the committee reporting it an additional report was received from the Secretary of Agriculture calling attention to the necessity of making several clarifying amendments.

It is suggested by the Secretary of Agriculture that the bill be amended by striking out on page 2, line 9, the words "purchase and" and inserting in lieu thereof the word "purchase" and a comma; after the word "transportation", to insert the words "and application"; and in line 25, to strike out the word "such." These amendments clarify the bill.

Mr. KING. Mr. President, how much more will they add to the cost to the Government?

Mr. MURRAY. I did not undertake to compute that. The matter was considered very thoroughly by the Department of Agriculture and a delegation of Senators had a

conference with the officials of the Department and pointed out the absolute necessity of the proposed legislation because of the fact that these pests are breeding in the territory affected at this time, and the Department should be in a position and ready to proceed. If we do not act promptly, when the pests are present, of course the work will be ineffective.

Mr. KING. Mr. President, I shall not object. I want to comment upon the fact that, in my opinion, with all the appropriations which are given to the Department of Agriculture, they ought to have taken care of this situation. Within the past few days I have received a communication from my State stating that the Department of Agriculture, in making a small utilization of these funds in the State of Utah, hired for a year the most expensive rooms in the most expensive building in the city, when they have considerable room there now belonging to the Government. It seems to me that the first thing the departments do when they get an appropriation is to rush into the various States and hire the most expensive buildings or rooms and fill them up with a large number of Federal employees. I protest against it.

Mr. MURRAY. I may suggest that it is likely that very little expense will be incurred this year, because reports from my section are to the effect that they had some rains and frost a short time ago, which will probably kill off the pests, and there may not be so much need for additional funds.

Mr. KING. The expense has already been incurred in the State of Utah. The officials have hired several rooms in the most expensive building there for a year.

The PRESIDING OFFICER. The clerk will state the first amendment suggested by the Senator from Montana.

The CHIEF CLERK. On page 2, line 9, it is proposed to strike out the words "purchase and" and to insert in lieu thereof the word "purchase" and a comma; and after the word "transportation", to insert the words "and application."

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next amendment.

The CHIEF CLERK. On page 2, line 25, before the word "insect", it is proposed to strike out the word "such."

The amendment was agreed to.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

INJURIES TO EMPLOYEES ON PUBLIC BUILDINGS AND WORKS

The Senate proceeded to consider the bill (S. 531) to provide compensation for disability or death resulting from injury to employees of contractors on public buildings and public works, which had been reported from the Committee on Education and Labor, with an amendment, to strike out all after the enacting clause and to insert the following:

That this act may be cited as the Federal Building Workmen's Compensation Act.

SEC. 2. When used in this act—

(1) The term "person" means any individual, firm, copartnership, corporation, company, association, or joint-stock association; and includes any trustee, receiver, assignee, or personal representative thereof.

(2) The term "injury" means accidental injury or death arising out of and in the course of employment, and such occupational disease or infection as arises naturally out of such employment or as naturally or unavoidably results from such accidental injury, and includes an injury caused by the willful act of a third person directed against an employee because of his employment.

(3) The term "employer" means any person entering into a contract specified in section 3 of this act, or subcontractor or other person any of whose employees are employed on work covered by any such contract.

(4) The term "employee" means any person employed by an employer on work covered by any contract specified in section 3 of this act.

(5) The term "State" includes a Territory and the District of Columbia.

(6) The term "United States" when used in a geographical sense means the several States and Territories and the District of Columbia, including the territorial waters thereof.

(7) The term "death" as a basis for a right to compensation means only death resulting from an injury.

SEC. 3. (a) Every contract entered into with the United States or any executive department, independent establishment, or

agency thereof (including Government-owned and Government-controlled corporations) for the construction, alteration, or repair of any public building or public works, or to perform any work for any public purpose, in the United States, shall contain conditions requiring (1) that the contractor shall, before commencing performance of such contract, provide for securing the payment of compensation and the furnishing of other benefits to employees under the provisions of the Longshoremen's and Harbor Workers' Compensation Act, approved March 4, 1927 (U. S. C., 1934 ed., title 33, sec. 901, and the following), as amended, and as made applicable to such employees by this act, and (2) that the contractor maintain in full force and effect during the term of the contract, and while employees are engaged in work performed under such contract, the security for the payment of such compensation and other benefits: *Provided*, That where the contract is to be performed within a State having a workmen's compensation law and the employees are eligible to receive the benefits provided by such law, the contractor shall be deemed to have satisfied such conditions if (A) before commencing the performance of such contract he provides for securing the payment of workmen's compensation benefits under such State workmen's compensation law, and (B) he maintains in full force and effect during the term of such contract, and while employees are engaged in work performed under such contract, the security for the payment of such benefits under such State workmen's compensation law. Any failure to comply with such conditions shall be deemed it to be a breach of such contract and a violation of this act.

(b) Insofar as the employees of a subcontractor or other person whose employees are employed on work covered by any such contract are concerned, the contractor shall be deemed to have complied with such conditions if he requires such subcontractor or other person to provide and maintain protection for the employees of such subcontractor or other person to the extent provided for in subsection (a), but any failure on the part of any such subcontractor or other person to provide and maintain such protection shall be deemed a breach of contract, and a violation of this act, by the contractor.

SEC. 4. The provisions of the Longshoremen's and Harbor Workers' Compensation Act, approved March 4, 1927 (U. S. C., 1934 ed., title 33, sec. 901, and the following), as amended, insofar as such provisions are not inapplicable, shall apply in respect to the injury or death of any employee on work covered by a contract entered into pursuant to section 3 of this act, if recovery for such injury or death through workmen's compensation proceedings are not provided by State laws; and in applying such provisions, the term "employer" shall be held to include any person who enters into a contract specified in section 3 of this act, or any subcontractor or other person any of whose employees are employed on work covered by any such contract, and the term "employee" shall be held to include any person employed by any such employer on work covered by any such contract.

SEC. 5. Any contractor who violates any of the provisions of this act or the rules and regulations issued thereunder shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 1 year, or by both such fine and imprisonment. This section shall not affect any other liability of the employer under this act.

SEC. 6. Any insurer who has a claim for unpaid premiums for any policies of insurance required by this act to be written shall have the right of action and of intervention against the contractor and his sureties conferred upon persons furnishing labor and materials by the act of August 24, 1935 (U. S. C., 1934 ed., title 40, sec. 270).

SEC. 7. The United States Employees' Compensation Commission is authorized to make such rules and regulations as may be necessary to carry out the provisions of this act. The Commission shall prescribe the duties of contracting officers of the United States or of any executive department, independent establishment, or agency thereof, in securing compliance with the provisions of section 3 of this act and may authorize any such contracting officer to waive the conditions of such section, subject to the approval of the Commission, when in its opinion compliance therewith would seriously impede the conduct of the public business.

SEC. 8. If any provisions of this act, or the application of such provisions to any person or circumstance, shall be held invalid, the remainder of this act, or the application of such provisions to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

SEC. 9. This act shall apply to all contracts entered into pursuant to invitations for bids issued after the expiration of 60 days after the date of enactment of this act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 945) for the relief of the Community Investment Co., Inc., was announced as next in order.

Mr. McKELLAR. I ask that the bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

BOARD OF COUNTY COMMISSIONERS, ST. JOHNS COUNTY, FLA.

The bill (H. R. 5921) for the relief of the Board of County Commissioners of St. Johns County, Fla., was announced as next in order.

Mr. McKELLAR. Let us have an explanation of this bill.

The PRESIDING OFFICER. The author of the bill is not present at the moment.

Mr. McKELLAR. Let the bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. ANDREWS subsequently said: Mr. President, I was out of the Senate Chamber for a few minutes, during which time Calendar No. 1480, House bill 5921, was passed over. I ask unanimous consent to have that bill considered.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. KING. Mr. President, briefly, will the Senator state what is the purport of the bill?

Mr. ANDREWS. I will get a copy of the bill and explain it.

Mr. KING. The bill provides that the Secretary of the Treasury is to pay to the county commissioners of St. Johns County, Fla., \$4,510 on account of the salaries of two bridge tenders. I was wondering why the Federal Government should pay bridge tenders who are looking after a bridge which, doubtless, was constructed by the county.

Mr. McKELLAR. Mr. President, if I may answer, this is what the report states:

It is evident that this claim arose through a difference in legal interpretations, and its payment has been denied on a legality. Since it has now been determined that the Government actually owned the bridge during the period which St. Johns County was forced to operate it, it is also evident that the claim is meritorious and should be paid. Passage of the bill is accordingly recommended.

I think the bill ought to be passed.

Mr. KING. I have no objection.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 6689) for the relief of George Rendell, Alice Rendell, and Mabel Rendell was announced as next in order.

Mr. KING. Mr. President, may we have an explanation of this bill? The Department seems to be in doubt about the claim.

The PRESIDING OFFICER. The author of that bill is not present at this moment.

Mr. KING. I ask that the bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

RELLIE DODGEN AND ANAH WEBB LAVERY

The bill (H. R. 3757) for the relief of Rellie Dodgen and Anah Webb Lavery, was considered, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (H. R. 3776) for the relief of T. T. East and the Cassidy Southwestern Commission Co., citizens of the State of Texas, was announced as next in order.

Mr. McKELLAR. I ask that the bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 4229) for the relief of Clifford Belcher was announced as next in order.

Mr. McKELLAR. Let the bill be passed over for the present.

The PRESIDING OFFICER. The bill will be passed over.

ESTATE OF DESSIE MASTERSON

The bill (H. R. 726) for the relief of the estate of Dessie Masterson was considered, ordered to a third reading, read the third time, and passed.

MR. AND MRS. JAMES CRAWFORD

The Senate proceeded to consider the bill (S. 2643) for the relief of Mr. and Mrs. James Crawford, which had been

reported from the Committee on Claims with an amendment to add at the end of the bill a proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$500 to James Crawford and the sum of \$1,500 to Mrs. James Crawford in full satisfaction of all their claims against the United States for damages resulting from personal injuries received by them when the wagon in which they were riding was struck from the rear, at a point about 4 miles east of Pendleton, Ore., on the Old Oregon Trail Highway, by a Government truck being operated by an employee of the Forest Service, Department of Agriculture: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EDWARD F. CASSIDY

The Senate proceeded to consider the bill (H. R. 5608) for the relief of Edward F. Cassidy, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Edward F. Cassidy, of Cambridge, Mass., the sum of \$3,675, in full satisfaction of all claims against the United States for damages sustained by the said Edward F. Cassidy who was struck and injured by a United States mail truck in Cambridge, Mass., on February 24, 1936: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Mr. McKELLAR. Mr. President, I ask the clerk to give the amount provided in the bill.

The PRESIDING OFFICER. The Chair is informed that the amount is \$3,675.

Mr. McKELLAR. What was the amount claimed?

The PRESIDING OFFICER. The Chair is informed that that was the original amount claimed.

The question is on the third reading and passage of the bill.

The bill was ordered to a third reading, read the third time, and passed.

GEORGE SHADE AND VAVA SHADE

The Senate proceeded to consider the bill (H. R. 5338) for the relief of George Shade and Vava Shade, which had been reported from the Committee on Claims with an amendment to add a proviso at the end of the bill, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury allocated by the President for the maintenance and operation of the Civilian Conservation Corps, to George Shade and Vava Shade, of Winterset, Madison County, Iowa, the sums of \$500 and \$3,000, respectively, in all \$3,500, in full settlement of all claims against the United States Government for injuries sustained by them on February 13, 1934, when an automobile in which they were riding collided with an Emergency Conservation Work truck, operated by the Civilian Construction Corps, on the public highway, about 5 miles southeast of Winterset, Madison County, Iowa: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

BILLS PASSED OVER

The bill (S. 1464) for the relief of Lena Sumter was announced as next in order.

Mr. McKELLAR. Mr. President, may we have an explanation of this bill? I understand that the widow is already receiving compensation in the sum of \$45.50 a month.

Mr. THOMAS of Oklahoma. I think the provision of the bill is in lieu of that, I will say to the Senator from Tennessee.

Mr. McKELLAR. Until we find out definitely, let the bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3005) to confer jurisdiction on the Court of Claims to hear and determine the claim of the A. C. Messler Co. was announced as next in order.

Mr. KING. I ask that the bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

ROBERT M'COY, A MINOR

The Senate proceeded to consider the bill (H. R. 6826) for the relief of Robert McCoy, a minor, which was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury allocated by the President for the maintenance and operation of the Civilian Conservation Corps, to the legal guardian of Robert McCoy, a minor, of Albany, Calif., the sum of \$2,668.50 in full settlement of all claims against the United States for injuries and expenses incurred when he was struck by an ambulance of the Civilian Conservation Corps, May 11, 1934, at Albany, Calif.: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Mr. McKELLAR. Mr. President, what is the amount allowed in the bill and what was the amount claimed?

The PRESIDING OFFICER. The Chair is informed that the amount stated on page 1 of the bill is \$2,668.50.

Mr. McKELLAR. Was that the amount asked for?

The PRESIDING OFFICER. The Chair is so advised.

The question is on the third reading and passage of the bill.

The bill was ordered to a third reading, read the third time, and passed.

ARTEMISIA GRANT

The bill (H. R. 6999) for the relief of Artemisia Grant was considered, ordered to a third reading, read the third time, and passed.

PAUL BRINZA

The bill (H. R. 2316) for the relief of Paul Brinza was considered, ordered to a third reading, read the third time, and passed.

B. W. GOODENOUGH ET AL.

The bill (H. R. 6647) for the relief of B. W. Goodenough and wife, Katherine F. Goodenough, and son, Charles Goodenough, was considered, ordered to a third reading, read the third time, and passed.

MIRIAM GRANT

The Senate proceeded to consider the bill (H. R. 6618) for the relief of Miriam Grant, which had been reported from the Committee on Claims, with an amendment, on page 1, line 6, after the words "sum of", to strike out "\$2,964" and to insert "\$1,964", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Miriam Grant, of San Francisco, Calif., the sum of \$1,964, in full satisfaction of her claim against

the United States for personal injuries sustained when the automobile she was driving was struck by a delivery truck operated by an inspector of the Food and Drug Administration, Department of Agriculture, at the intersection of Potrero Avenue and Twenty-second Street, San Francisco, Calif., on April 4, 1932: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Mr. McKELLAR. What was the amount allowed?

The PRESIDING OFFICER. The Chair is informed that it is \$1,964.

Mr. McKELLAR. I have no objection.

Mr. GEORGE. The amount was reduced.

Mr. McKELLAR. That is what the Department recommended, and under those circumstances I see no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ALCEO GOVONI

The Senate proceeded to consider the bill (S. 865) for the relief of Alceo Govoni, which had been reported from the Committee on Claims with an amendment, on page 1, line 9, after "January 4", to strike out "1937" and to insert "1927", and at the end of the bill to add a proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$766 to Alceo Govoni, in full settlement of all claims against the United States, for injuries sustained by him when the vehicle which he was driving collided with United States Army truck No. 214243 on January 4, 1927, at Boston, Mass.: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. GEORGE ORR

The bill (H. R. 8021) for the relief of Mrs. George Orr, was considered, ordered to a third reading, read the third time, and passed.

AUTHORIZATION TO WILLIAM BOWIE TO WEAR FOREIGN DECORATION

The resolution (S. J. Res. 247) authorizing William Bowie, captain (retired), United States Coast and Geodetic Survey, Department of Commerce, to accept and wear decoration of the Order of Orange Nassau, bestowed by the Government of the Netherlands, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved, etc., That William Bowie, captain (retired), United States Coast and Geodetic Survey, Department of Commerce, be, and he hereby is, authorized to accept and wear the decoration of the Order of Orange Nassau, bestowed by the Government of the Netherlands; the same having been conferred upon him by the Queen of the Netherlands in recognition of his outstanding achievements in the interests of international science and geodesy. The Department of State is hereby authorized to deliver the said decoration to the aforementioned William Bowie.

NINTH CONGRESS OF INTERNATIONAL SEED TESTING ASSOCIATION

The joint resolution (H. J. Res. 567) to authorize and request the President of the United States to invite the International Seed Testing Association to hold its ninth congress in the United States in 1940 and to invite foreign countries to participate in that congress; and also to provide for participation by the United States in that congress was considered, ordered to a third reading, read the third time, and passed.

COMPACT FOR DIVISION OF WATERS OF LITTLE MISSOURI RIVER

The Senate proceeded to consider the bill (S. 183) granting the consent of Congress to the States of Montana, North Dakota, South Dakota, and Wyoming to negotiate and enter into a compact or agreement for division of the waters of the Little Missouri River, which had been reported from the Committee on Irrigation and Reclamation, with an amendment, to add a proviso at the end of the bill, so as to make the bill read:

Be it enacted, etc., That consent of Congress is hereby given to the States of Montana, North Dakota, South Dakota, and Wyoming to negotiate and enter into a compact or agreement not later than January 1, 1938, providing for an equitable division and apportionment between the States of the water supply of the Little Missouri River and of the streams tributary thereto, upon conditions that one suitable person, who shall be appointed by the President of the United States, shall participate in said negotiations as the representative of the United States and shall make report to Congress of the proceedings and of any compact or agreement entered into: *Provided,* That any such compact or agreement shall not be binding or obligatory upon either of the parties thereto unless and until the same shall have been approved by the legislature of each of said States and by the Congress of the United States: *Provided further,* That nothing in this act shall apply to any waters within the Yellowstone National Park or the Teton National Park, or shall establish any right or interest in or to any lands within the boundaries thereof or any subsequent additions thereto.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MURRAY subsequently said: Mr. President, I ask unanimous consent to revert to Calendar No. 1502, being Senate bill 183. I inadvertently failed to call attention to an amendment on the first page striking out "1938" and inserting "1940."

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana that the Senate return to Calendar No. 1502, Senate bill 183?

Mr. KING. I inquire is that the bill relating to the division of water?

Mr. MURRAY. Yes.

Mr. KING. I have no objection.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the bill is before the Senate.

Mr. MURRAY. I move that the votes whereby the bill was ordered to be engrossed for a third reading, read the third time, and passed be reconsidered.

The PRESIDING OFFICER. Without objection, the votes are reconsidered.

Mr. MURRAY. I now offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 1, line 6, it is proposed to strike out "1938" and insert "1940."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 2833) conferring jurisdiction upon the Court of Claims to rehear and enter judgment upon the claims of Cohen, Goldman & Co., Inc., was announced as next in order.

Mr. KING. I ask that the bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

JOHN F. FITZGERALD

The Senate proceeded to consider the bill (S. 2051) for the relief of John F. Fitzgerald, which had been reported from the Committee on Claims with an amendment, to add a proviso at the end of the bill, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John F. Fitzgerald, of Brattleboro, Vt., the sum of \$150, such sum representing the amount tendered by him for the purpose of compromising a claim for taxes under section 701 of the Revenue Act of 1926, such tender having been made by said John F. Fitzgerald before, but not having been accepted by the Department of Justice until after, such section was held unconstitutional: *Provided,* That no part of the amount appropriated

in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PARENTS OF CLARENCE DANIEL

The Senate proceeded to consider the bill (S. 2890) for the relief of the parents of Clarence Daniel, which had been reported from the Committee on Claims with an amendment, on page 1, line 5, after the word "Treasury", to strike out "appropriated or allocated for the maintenance and operation of the Works Progress Administration" and to insert "not otherwise appropriated", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the parents of Clarence Daniel, a minor, of Idabel, Okla., the sum of \$3,500, in full satisfaction of all claims against the United States for damages for personal injuries received by the said Clarence Daniel when he was struck and run down, on May 5, 1937, by a Works Progress Administration truck which was carrying men to a work project: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Mr. McKELLAR. Mr. President, that bill should pass.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EARLE LINDSEY

The bill (S. 3543) authorizing the Comptroller General of the United States to settle and adjust the claim of Earle Lindsey was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to settle and adjust the claim of Earle Lindsey for reimbursement for well-drilling pipe and couplings lost while loaned to, and being used by, the United States Forest Service during July 1935, and to allow in full and final settlement of the claim the sum of not to exceed \$169.75. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$169.75, or so much thereof as may be necessary, for the payment of the claim: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

RELIEF OF ENDORSERS OF CHECKS DRAWN ON THE TREASURER OF THE UNITED STATES

The bill (S. 3383) for the relief of the endorsers of certain checks drawn on the Treasurer of the United States was announced as next in order.

The PRESIDING OFFICER. This bill has been adversely reported from the Committee on Claims. What is the pleasure of the Senate?

Mr. McKELLAR. Mr. President, I think the bill ought to be defeated.

Mr. ASHURST. Mr. President, I wish to be recorded in favor of the bill.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill. [Putting the question.] The yeas have it, and the bill is not passed.

JAMES J. HOGAN

The bill (S. 2505) for the relief of James J. Hogan was announced as next in order.

Mr. McKELLAR. Mr. President, let that bill go over. The Department recommended against it.

Mr. BROWN of Michigan. Will the Senator from Tennessee withhold his request?

Mr. McKELLAR. I will; but I call the Senator's attention to the following statement from the Secretary of War:

Since all of the above seems to establish contributory negligence on the part of Dr. Hogan, the War Department is constrained to recommend that favorable consideration be not given the proposed legislation.

Mr. BROWN of Michigan. I will say to the Senator that the claim is very small. It is for the sum of \$380. The committee investigated the case very carefully and relied upon the statement of a State trooper who also investigated the situation. The War Department admitted that its driver was negligent but contended that Dr. Hogan, the claimant, was also negligent.

Mr. McKELLAR. What was the amount of the claim originally?

Mr. BROWN of Michigan. I could not say. The amount in the bill is \$380. I will say to the Senator that my investigation of the State trooper's statement substantiates it.

Mr. McKELLAR. I will accept the Senator's statement.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury allocated by the President for the maintenance and operation of the Civilian Conservation Corps, to James J. Hogan, New Egypt, N. J., the sum of \$380. Such sum shall be in full settlement of all claims against the United States for damages sustained by the said James J. Hogan on account of property damage received on January 13, 1937, when the car which he was driving on Pemberton-Wrightstown Highway, within the Camp Dix Military Reservation, Camp Dix, N. J., was involved in an accident with a Government truck operated in the service of the Civilian Conservation Corps: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

ORVILLE D. DAVIS

The Senate proceeded to consider the bill (S. 2956) for the relief of Orville D. Davis, which had been reported from the Committee on Claims, with an amendment, on page 1, line 6, after the words "sum of", to strike out "\$2,500" and to insert "\$1,500", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Orville D. Davis, of Leavenworth, Kans., the sum of \$1,500 in full and final settlement of any and all claims against the United States for permanent injuries received as a result of being shot in the foot during a gun battle between Federal agents and bandits in the post-office building at Topeka, Kans., on April 16, 1937: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

MRS. C. DOORN

The bill (S. 2742) for the relief of Mrs. C. Doorn, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in the administration of the immigration laws of the United States, relating to the issuance of immi-

gration visas for admission to the United States and relating to admissions at ports of entry of aliens as immigrants, for permanent residence in the United States, the provision of section 3 of the act of Congress of February 5, 1917 (39 Stat. 875), as amended (U. S. C. A., title 8, sec. 136 (n)), which excludes from admission into the United States persons who are natives of certain geographical zones described therein, and the provision of section 13 (c) of the Immigration Act of 1924 (43 Stat. 162), as amended (U. S. C. A., title 8, sec. 213 (c)), which excludes from admission to the United States persons who are ineligible to citizenship, shall not hereafter be held to apply to Mrs. C. Doorn, who is the wife of C. Doorn, a citizen of the United States; and said Mrs. C. Doorn, if otherwise admissible under the immigration laws, may be issued an immigration visa and may be granted admission to the United States upon application hereafter filed.

COMPENSATION FOR INJURED UNITED STATES EMPLOYEES

The Senate proceeded to consider the bill (H. R. 1547) to amend section 42 of the act of Congress entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended.

Mr. KING. Let that bill go over.

Mr. BURKE. Will the Senator withhold his request?

Mr. KING. Yes.

Mr. BURKE. The only change the bill makes in the existing law is to permit the employees of the Alaska Railroad who are injured and whose claims are acted upon by the Compensation Commission, to appeal. They are now the only employees of the Government who do not have the right of appeal.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. BURKE. Yes.

Mr. McKELLAR. How many of the employees were injured, and what will it mean in money?

Mr. BURKE. It does not mean anything now. There is no immediately pressing problem, but from time to time there are cases of employees who are injured and who never have had the right of appeal.

Mr. McKELLAR. I have no objection.

Mr. BURKE. The matter is now disposed of by the general manager of the Alaska Railroad. If he decides against the employees, they are through; but under this bill they would have a right to appeal to the Employees' Compensation Commission, of which the Senator is a great advocate, and have the matter properly settled.

Mr. KING. May I inquire of the Senator when we are to get rid of the Alaska Railroad? About 10 years ago we appointed a commission to make a report looking to the discontinuance of Government operation of that railroad.

Mr. BURKE. At the present moment I am unable to answer that question, but I shall make a careful study of it and report to the Senator.

Mr. KING. I shall be glad to hear the report.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 2933) to admit Mrs. Henry Francis Parks permanently to the United States was announced as next in order.

Mr. McKELLAR. May we have an explanation of that bill? The explanation I have before me is not very good.

Mr. KING. The explanation is good, but the bill is bad.

Mr. McKELLAR. Let it go over.

The PRESIDING OFFICER. The bill will be passed over.

GEORGE HENRY LEVINS

The bill (S. 3064) for the relief of George Henry Levins was announced as next in order.

Mr. McKELLAR. Mr. President, may we have a statement from the Senator from Massachusetts about this bill?

Mr. WALSH. Mr. President, the bill provides that at any time within 1 year after enactment of the act George Henry Levins, who made a declaration of intention in December

1917, but who failed to complete naturalization because of erroneous advice given to him by an official of the United States, may be naturalized by taking the oath of allegiance as prescribed in the naturalization laws.

The records show that Mr. Levins has made two declarations of intention both in the United States district court at Boston. The first was made on April 10, 1917, and the second on October 2, 1937. He alleges therein that he was born at Dublin, Ireland, on January 9, 1883, and arrived in the United States at Boston, Mass., on May 8, 1896.

Information furnished your committee reveals that Mr. Levins sought to file a petition for naturalization in October 1920, but was advised by a clerk or examiner in the Federal Building at Boston that he was already a citizen by virtue of his father's naturalization. His father is represented as having been naturalized on October 9, 1905, and the misinformation as having been based upon the assumption that the subject of the bill was born in 1886. Having been born in 1883, he was, of course, more than 21 years of age on the date his father is said to have been naturalized, and consequently could not have derived citizenship through such naturalization.

Mr. Levins is described as a W. P. A. employee, the father of eight children, all born in Cambridge, Mass., and is the sole support of his minor children. The information presented indicates that Mr. Levins will lose his employment unless he qualifies for citizenship.

Therefore, the committee, after thoroughly considering the facts as presented, recommend that the bill be favorably reported.

Mr. McKELLAR. Is the purpose of this bill to allow Levins to become a citizen of the United States?

Mr. WALSH. That is correct.

Mr. McKELLAR. Is he a man of good character?

Mr. WALSH. Yes. The next bill is for the relief of a woman who seeks the same remedy.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, at any time within 1 year after the date of enactment of this act, George Henry Levins (U. S. Department of Labor file No. 23-30675), of Cambridge, Mass., who filed a declaration of intention to become a citizen of the United States in the District Court of the United States at Boston, Mass., in December 1917, but who failed to take such further action as was required to enable him to become a citizen of the United States because of erroneous advice given to him by an official of the United States, may be naturalized as a citizen of the United States by taking the oath of allegiance in the manner prescribed in the naturalization laws before any court having jurisdiction of the naturalization of aliens.

MARIA BARTOLO

The bill (S. 3063) for the relief of Maria Bartolo was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in the administration of the immigration laws Maria Bartolo (nee Mariannina D'Amore), wife of Carmine Bartolo, a citizen of the United States, shall not be denied an immigration visa, nor denied admission to the United States for permanent residence, because of the fact that she entered the United States in December 1924 by the use of an immigration visa issued to Carmela Savelli.

SEC. 2. The Secretary of Labor is authorized and directed to cancel any warrants of arrest or orders of deportation which may have been issued in the case of the said Maria Bartolo upon the ground of unlawful residence in the United States and to permit her to permanently remain in the United States.

Mr. WALSH. Mr. President, I ask that the report on this bill be printed in connection with it.

There being no objection, the report (No. 1452) was ordered to be printed in the RECORD, as follows:

The Committee on Immigration, to whom was referred the bill (S. 3063) for the relief of Maria Bartolo, having considered the same, report it back to the Senate without amendment and recommend that the bill do pass.

The facts in the case as presented to your committee are briefly as follows:

The records show that the person named, a native and citizen of Italy, arrived in the United States at the port of New York on December 6, 1924, and upon presentation of a nonquota visa, which was issued to her by the American Consul at Naples, Italy, under the provisions of section 4 (c) of the act of 1924, was admitted as a native of Brazil. Subsequent to this admission it was discovered that this visa was secured through fraud, in that she was not born in Brazil, but was in fact a native of Italy. It appears that in securing this nonquota visa she used the name and birth certificate of one Camela Savelli. She claims, however, that her father was responsible for this fraudulent transaction.

Mrs. Bartolo was made the subject of deportation proceedings on January 13, 1936, and on June 4, 1936, a warrant issued for her deportation to Italy on the ground that she is in the United States in violation of the act of 1924, in that she is found to have been at the time of entry not entitled under said act to enter the United States for the reason, to wit: That the immigration visa which she presented was not valid because procured by fraud or misrepresentation, and that at the time of her entry she was not a non-quota immigrant as specified in her immigration visa.

The subject of this report was married to a legal resident of the United States in January 1926. Her husband has subsequently become a citizen by naturalization and she has three children born in this country. By reason of the family situation deportation in this case has been held in abeyance pending action by the Congress on legislation pending which would give relief in this case. The Department of Labor interposes no objection to passage of the bill.

Therefore, your committee, after thoroughly considering the facts as presented, recommend that the bill be favorably reported.

TARGET RANGE NEAR MISSOULA, MONT.

The bill (S. 3459) to authorize the Secretary of War to acquire by donation land at or near Fort Missoula, Mont., for target range, military, or other public purposes, was announced as next in order.

Mr. McKELLAR. Mr. President, does the Senator from Texas recommend this bill?

Mr. SHEPPARD. Yes. The Senator from Arkansas [Mr. MILLER] reported it after giving it careful study.

Mr. MILLER. The project will not cost the Government anything. The land is donated.

The bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to accept by donation approximately 2,700 acres of land at or near Fort Missoula, Mont., for target range, military, or other public purposes: *Provided,* That in the event the donor is unable to perfect or acquire title to any of the land tendered as a donation, condemnation of such land is authorized in the name of the United States and payment of any and all awards for title to such land as is condemned, together with the cost of the suit, shall be made by the donor.

NATIONAL DEFENSE—GENERAL STAFF

The bill (S. 3590) to amend an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended by the act of June 4, 1920, so as to make available certain other officers for General Staff duty, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the fifth sentence of section 4 (c) of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended by the act of June 4, 1920, be, and the same is hereby, further amended to read as follows: "In time of peace no officer of the line shall be or remain detailed as a member of the General Staff Corps unless he has served for 2 of the next preceding 6 years in actual command of, or on duty other than General Staff duty, with troops of one or more of the combatant arms or as instructor with the National Guard or Organized Reserves; and in time of peace every officer serving in a grade below that of brigadier general shall perform duty with troops of one or more of the combatant arms for at least 1 year in every period of 5 consecutive years, except that officers of less than 1 year's commissioned service in the Regular Army may be detailed as students at service schools: *Provided,* That an officer commissioned in a staff corps shall not be or remain detailed as a member of the General Staff Corps unless he has served for 1 of the next preceding 5 years with troops of one or more of the combatant arms or as instructor with the National Guard or Organized Reserves."

BILL PASSED OVER

The bill (S. 3255) to provide for the establishment of a mechanism of regulation among over-the-counter brokers and dealers operating in interstate and foreign commerce or

through the mails, comparable to that provided by national securities exchanges under the Securities Exchange Act of 1934, and for other purposes, was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDING OFFICER. The bill will be passed over.

PREVENTION, TREATMENT, AND CONTROL OF VENEREAL DISEASES

The bill (S. 3290) to impose additional duties upon the United States Public Health Service in connection with the investigation and control of the venereal diseases was announced as next in order.

Mr. McKELLAR. Mr. President, will the Senator from Wisconsin explain this bill?

Mr. LA FOLLETTE. In my judgment, this is a very important measure. It had the careful consideration of the Senate Commerce Committee. I feel, however, that it is of such a character that perhaps Senators may want to have an opportunity to study it. I wish to urge them to give it careful consideration. I think if they will read the record of the hearings which were held by the subcommittee they will be very much impressed with the importance of action and legislation in this field.

Mr. McKELLAR. Mr. President, I will say that I agree entirely with the Senator. So far as I am concerned, I should have no objection to the passage of the bill at this time. I think it is a very important bill, and one which ought to be passed by all means.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. KING. I assent to the view of the Senator from Wisconsin. We should have an opportunity to study the bill. Let it go over.

Mr. LA FOLLETTE. I wish to urge the Senator from Utah to give it consideration, because when the calendar is next called I hope we may have action on the bill.

Mr. COPELAND. Mr. President, may I say a word about the bill, particularly to my friend from Utah? The committee held a long hearing, and the matter was afterward thoroughly debated in the committee. It was thought in the committee that the sums of money appropriated were too large. Certain changes were recommended. The bill makes provision for a definite appropriation for 3 years, and then an authorization following that.

Mr. KING. Is the authorization made indefinitely?

Mr. COPELAND. No; it is made for 10 years. The bill authorizes such appropriations as may be established with the Budget Bureau, the committee, and the Congress. Specific amounts are set up for the first, the second, and the third year. Then, for each of the 10 fiscal years, thereafter, it provides for such sum as may be needed to carry out the purposes of the act. The reason why the committee at first thought of striking out all except 3 or 4 years is that it was pointed out to us by the health commissioners of every State in the Union—they were all here—that if they had the prospect before them of actually continuing this work over a period of a dozen years, there would be an excellent prospect of wiping out venereal diseases.

Mr. McKELLAR. The Public Health Service has been at work on the subject for a number of years.

Mr. COPELAND. Oh, yes.

Mr. McKELLAR. We have all seen their advertisements, and we know what they are trying to do. I think unquestionably a limitation should be made on the appropriation. I do not think it should be allowed to be an indefinite appropriation; but such sum as is reasonable and proper should certainly be authorized, and the work should be done. I do not know of any work which would be of greater value to the country than work of this kind.

Mr. COPELAND. What the Senator suggests is exactly what has been done. The bill provides specific appropriations for 3 years, and provides thereafter "such sum as may be needed to carry out the purposes of this act."

Mr. KING. Mr. President, I find that for the fiscal year ending June 30, 1939, an appropriation of \$3,000,000 is pro-

posed; for the fiscal year ending June 30, 1940, an appropriation of \$5,000,000; and for the fiscal year ending June 30, 1941, an appropriation of \$7,000,000.

Mr. COPELAND. "And for each of the 10 fiscal years thereafter, such sum as may be needed to carry out the purposes of this act."

Mr. McKELLAR. That is the unfortunate part of it. I think it would have been better if the Director of the Public Health Service had fixed upon some reasonable sum. I am utterly opposed, for any purpose, to unlimited sums being authorized, because whenever that is done the Department immediately increases its recommendations.

Mr. COPELAND. I can understand the Senator's view, but may I say to the Senator that it is desirable that the States do the work. The representatives of the States tell us that if we set up a plan for 3 years or 5 years, obviously, from a medical standpoint, that would not be sufficient, but that if they could have the prospect of a dozen years of activity then they would join.

Mr. McKELLAR. There ought to be a limitation on it. All I ask the Senator from Wisconsin and the Senator from New York to do is to fix a limitation. The Senator knows that unlimited sums are very embarrassing to the Committee on Appropriations.

Mr. LA FOLLETTE. Mr. President, I may say that it was after a careful consultation with experts in this field that the bill was originally introduced to provide an annual appropriation of a specific sum. But it was suggested, either officially or unofficially, that it would be more suitable, so far as the executive branch of the Government was concerned, if a specific sum was not stated, and that the Congress could later determine, after the 3-year experimental period, what would be required. I should like to ask the Senator from Tennessee if it would satisfy him if the words "not to exceed a certain amount" were inserted?

Mr. McKELLAR. I think that would be very much better, because to authorize an unlimited sum is very bad legislation and ought not to be indulged in by the Congress.

Mr. VANDENBERG. Mr. President—

Mr. LA FOLLETTE. I yield to the Senator from Michigan.

Mr. VANDENBERG. I think I was largely responsible in the Commerce Committee for striking out the definite sum which was authorized for the final 10 years. As the bill came to the committee, it contained an authorization for 13 years in specific figures. I took the position, and still take the position, that, to begin with, it is perfectly absurd for one Congress to attempt to bind another; and, secondly, for Congress to make a 13-year authorization for an experiment.

Mr. McKELLAR. Mr. President, I think the Senator is correct in that, if the Senator from Wisconsin will allow me to say so, but I also think that there ought to be a limitation made as to succeeding years, and such a limitation is not in the bill, as I understand.

Mr. VANDENBERG. Let me continue my statement. As a result of that situation, the specific appropriations were limited to 3 years, and there was no appropriation authorized of any nature for the final 10 years.

At the following meeting of the committee it was urged, in behalf of this thoroughly notable experiment, which everybody wants to promote and wants to see succeed, that for some reason, which I confess is beyond my ken, it was necessary to have some sort of assurance for the subsequent 10 years. So, personally, I very reluctantly yielded to this language.

I am inclined to think that if we are going to have a subsequent 10-year appropriation we might better provide for it in general language rather than to have any figure at all involved. As a matter of fact, this experiment has got to stand on its own feet at the end of 3 years. If it has justified itself, it will get whatever money it is entitled to; if it has not justified itself, it will not be entitled to any money.

Mr. LA FOLLETTE. I think I can state very briefly and succinctly the importance of having this program placed upon a continuing basis. If we are to secure cooperation from the States and localities, if we are to secure contributions from them, as we have under the funds which have

been provided under the Social Security Act for public-welfare work, it is important that those communities feel that the program is to have continuity and that it has some hope of achieving its objective, because in any attempt to deal with venereal diseases, unless the program is carried on to the point where the control is established, the money expended in that direction may be entirely lost, as will be apparent to anyone who gives the matter careful consideration.

I should like to ask the Senator from Tennessee if he would be better satisfied if the amendment provided that for each of the 10 fiscal years thereafter a sum not to exceed \$25,000,000 shall be authorized?

Mr. BURKE. Mr. President—

Mr. McKELLAR. Will the Senator let the bill go over? I will talk to him, and I am sure we can agree on language.

Mr. GLASS. The bill went over about a half an hour ago.

Mr. LA FOLLETTE. I did not understand that it had been objected to. I am sorry; I thought the Senator from Utah had withdrawn his objection.

Mr. KING. I stated that I would do so.

The PRESIDING OFFICER (Mr. GILLETTE in the chair). The present occupant of the chair was not in the chair at the time, but he is informed that the bill was not passed over. Is there objection to the present consideration of the bill?

Mr. GLASS. There was objection to it, and it went over.

Mr. BURKE. Mr. President, I desire to follow the suggestion first made by the Senator from Wisconsin and to read the report and the record of the hearings. Therefore, I ask that the bill go over, so that I may have an opportunity to do so.

The PRESIDING OFFICER. The bill will be passed over.

BILLS PASSED OVER

The bill (H. R. 9544) making appropriations for the Departments of State and Justice and for the judiciary and for the Departments of Commerce and Labor for the fiscal year ending June 30, 1939, and for other purposes, was announced as next in order.

Mr. McKELLAR. Mr. President, I presume that bill will have to go over, as its consideration would take some little time, but I wish to say to our leader that I hope it may be called up at a very early opportunity, as we are very anxious to have it considered and acted upon.

The bill (H. R. 1543) to amend section 24 of the Immigration Act of 1917, relating to the compensation of certain Immigration and Naturalization Service employees, and for other purposes was announced as next in order.

Mr. KING. Mr. President, the chairman of the committee, who has filed minority views, is absent from the city. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1634) to provide for the education of all types of physically handicapped children, to make an appropriation of money therefor, and to regulate its expenditure, was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 973) for the relief of the city of Baltimore was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

RELIEF OF CITY OF NEW YORK

The bill (S. 684) for the relief of the city of New York was announced as next in order.

The PRESIDING OFFICER. The bill has been reported adversely from the Committee on Claims.

Mr. McKELLAR. Let the bill go over.

Mr. COPELAND. Mr. President, I ask the Senate to bear with me for a minute or two on this bill.

When war was declared in 1861, President Lincoln made a call on all citizens in the North to help maintain the Union, and then Congress took action endorsing what he did. This is what President Lincoln did in the case of New

York. He called to Washington a group of distinguished citizens and asked them to equip three regiments, as I recall. It is a matter of fact that this committee went back to New York. A mass meeting was held and the citizens endorsed the movement. The council voted, appropriated, and made available a million dollars. Claims have been made at various times in the Congress from the end of the War between the States down to a date which I will mention, and efforts were made to have this claim paid. I, myself, tried when I came into the Senate to have the claim paid. Senator Smoot, who was then chairman of the Finance Committee, objected, and said the claim had never been audited. So the Senate adopted a resolution, offered by me, providing for an audit of the expenditures made by the city of New York. I was very much interested to find that in the Comptroller's Office in New York they found the papers; they found the original order of President Lincoln; they found every dollar of expenditure. It took 3 years of work for the Comptroller to make the audit, but he finally did make the audit, completed it, and recommended the payment of the bill.

Since that time—and, as I recall, what I am talking about occurred 12 years ago—since that time I have upon five occasions had bills passed by the Senate on the subject.

In this instance the committee has reported adversely because they call it an ancient claim. I think its antiquity dates back merely to the time of the completion of the audit. The money was actually appropriated and expended, and it ought to be returned to the city of New York.

I have a record of the return of money to 24 different States—I will not bother to read it—amounting to \$43,000,000, and interest reimbursements to 20 States.

Mr. President, I appeal to Senators that this bill is a just bill and it ought to receive consideration.

Mr. BURKE. Mr. President—

Mr. COPELAND. I yield to the Senator from Nebraska.

Mr. BURKE. The Committee on Claims gave serious consideration to the four measures, Calendar Nos. 1522, 1523, 1524, and 1525, being respectively Senate bills 973, 684, 1291, and Senate joint resolution 21, two of them providing for payments to States or cities for expenditures incurred in the Civil War and two going back to the War of 1812.

In all the claims there is a very considerable item of interest involved in addition to the original payment. A subcommittee was appointed to study the matter very carefully and they decided, for many cogent reasons, that these claims were stale and that they ought to be very adversely reported by the committee. We trust the Senate will sustain the committee in its action.

It will be recalled that last year the city of New York received in relief funds \$400,000,000 out of the Federal Treasury to do things which the city of New York was supposed to do for itself.

I think it comes with very bad grace now for the city of New York to say, "Well, almost 75 years ago we participated in performing a Federal function, and therefore we now want the money back with interest." I believe matters of this nature ought to be considered as stale, and have no further consideration.

Mr. COPELAND. Mr. President, may I ask the Senator a question?

Mr. BURKE. Yes.

Mr. COPELAND. Is there not a difference between the claim of the city of New York, the audit of which was completed within a period of 7 or 8 or 10 years, and a claim which comes forward to us now, 75 years old, with very great difficulty of determining the validity of the claim? Is there any doubt that this money was spent, and that the accounts were audited, and that the report was made to the Senate in accordance with the report I have just made?

Mr. BURKE. I have no doubt that the city of New York spent approximately \$500,000, as reported here, in preparing its defenses and equipping men for service during the Civil War, and doing other things which properly should have

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

COMPUTATION OF BALANCE DUE STATE OF CONNECTICUT

The claim of the State of Connecticut for reimbursement of advances and expenditures made by Connecticut for military purposes during the War of 1812-15, is based upon an audit made by the Comptroller General of the United States on February 6, 1928, at the direction of the Senate, and upon his letter of February 15, 1936, to Senator LONERGAN, bringing down to that date the amount due Connecticut.

That audit and letter indicate the claim is computed as follows:

Balance due Connecticut for loans and interest----- \$598,936.30

Computed as follows:

\$6,000 at 6 percent from date of loan, Nov. 25, 1813, to date of first payment by the United States, Mar. 11, 1817; 3 years 3 months 14 days..	1,184.00
\$50,000 at 6 percent from date of loan, Sept. 27, 1814, to date of first payment by the United States, Mar. 11, 1817; 2 years 5 months 12 days..	7,350.00
\$7,000 at 6 percent from date of loan, Oct. 11, 1814, to date of first payment by the United States, Mar. 11, 1817; 2 years 5 months.....	1,015.00
\$5,000 at 6 percent from date of loan, Nov. 17, 1814, to date of first payment by the United States, Mar. 11, 1817; 2 years 3 months 22 days..	693.33
\$20,000 at 6 percent from date of loan, Dec. 5, 1814, to date of first payment by the United States, Mar. 11, 1817; 2 years 3 months 6 days..	2,720.00
\$27,069.29 at 6 percent from date of loan, Jan. 6, 1815, to date of first payment by the United States, Mar. 11, 1817; 2 years 2 months 5 days..	3,541.56
Total interest.....	16,503.89
Principal due.....	115,069.29
Principal and interest.....	131,573.18
Deduct first payment.....	50,000.00
New principal.....	81,573.18
Second and third payments by the United States being less than interest due, are not applied until interest is computed to Mar. 11, 1936, the date adopted for the purpose of this report; \$81,573.18 at 6 percent from Mar. 11, 1817, to Mar. 11, 1936, 119 years.....	582,432.41
Total.....	664,005.59
Deduct total of second and third payments.....	65,069.29
	598,936.30

EXPLANATION OF COMPUTATION

Six loans were made by Connecticut, on which the State paid interest at the rate of 6 percent. These loans, totaling \$115,069.29, with interest to March 11, 1817, computed at 6 percent, results in the total amount due Connecticut on said date, of \$131,573.18.

Against this amount, by the Maryland rule, was applied the \$50,000 which was the first amount reimbursed to the State on March 11, 1817, said payment being first applied to interest due as of that date.

As the result of the payment of March 11, 1817, there was still due the State as of that date, \$81,573.18, representing the new principal.

Now, computing interest on such amount to March 11, 1936, the date of the Comptroller General's letter, which amounts to \$582,432.41, and adding thereto the new principal due, of \$81,573.18, makes a total of \$664,005.59.

Against this amount, by the Maryland rule, was applied the \$65,069.29, which was the total of second and third payments by the United States to Connecticut in 1838.

As result of these two payments, there is due the State of Connecticut as of March 11, 1936, the sum of \$598,936.30, principal and interest.

Such computation and reimbursement to the State of Connecticut conforms to the Maryland rule, applied in the reimbursements already made by the Congress to the States of Maryland, Massachusetts, Virginia, South Carolina, New York, Pennsylvania, Delaware, and North Carolina, and the city of Baltimore.

The Maryland rule, as set out in the act of March 3, 1857, is as follows:

"Sec. 12. * * * In the calculation of interest due under the act aforesaid the following rule shall be observed, to wit: Interest shall be calculated up to the time of any payment made. To this interest the payment shall be first applied, and if it exceed the interest due, the balance shall be applied to diminish the principal; if the payment fall short of the interest, the balance of interest shall not be added to the principal so as to produce interest. Second, interest shall be allowed to the State of Maryland on such sums only on which the said State either paid interest or lost interest by the transfer of an interest-bearing fund." (11 Stat. L. 229.)

In interpreting such rule, the Attorney General of the United States, on August 11, 1857, made the following statement:

"Where Congress authorizes the payment of a debt, with interest, this, without more, means that legal interest shall be paid on the

whole of the principal for all time during which the principal has been unpaid. * * * Congress has given to Maryland interest on her debt; and I look in vain for anything which declares that interest shall be stopped before the principal is paid." (See 9 Atty. Gen. Op. 57.)

PRECEDENTS

The Maryland rule and interpretation thereof, was followed by the Congress in reimbursing the other States for interest payments growing out of advances made to the United States during the War of 1812-15:

Maryland (act of Mar. 3, 1857).....	\$275,770.23
Massachusetts (act of July 8, 1870).....	678,362.42
Virginia (act of May 27, 1902).....	(1)
South Carolina (act of May 27, 1902).....	47,245.77
Baltimore (act of May 27, 1902).....	104,069.03
New York (act of Feb. 27, 1906).....	118,585.94
Pennsylvania (act of Feb. 27, 1906).....	236,762.65
Delaware (act of May 30, 1908).....	83,250.65
North Carolina (act of May 28, 1929).....	118,035.69

¹ The claim of the State of Virginia was compromised by giving back to the State certain State bonds held by the United States in an equal amount of the State's claim.

The PRESIDING OFFICER. Objection having been made, the bill will be passed over.

RELIEF OF STATE OF VERMONT

The joint resolution (S. J. Res. 21) directing the Comptroller General to readjust the account between the United States and the State of Vermont was announced as next in order.

Mr. AUSTIN. Mr. President, this is one of the measures to which reference has just been made. It is the claim of the State of Vermont for reimbursement for military advancements made by that State during the War of 1812, and for actual loans and the interest thereon.

The joint resolution has been adversely reported by the committee. The sole ground of the adverse report, as stated in it, is that the claim is "stale." That raises only one question to be passed on by the Senate. It is not formidable and not difficult to settle, for the reason that no audit of the claim was made by the Comptroller General of the United States until February 19, 1935, in response to a Senate resolution.

When we come to the consideration of that issue, I hope to find only a few Senators supporting the adverse report of the committee, which I regard as exceedingly unjust and discriminatory against a brave little State whose claim is small, in fact picayune, compared to the claims of identically the same sort which have already been paid by action of Congress.

The merits of the Vermont claim, the actual right and justice of the Vermont claim, have never been challenged, although it has passed the Senate once before, and failed in the House only because it could not be reached in the House by the time of adjournment. The Committee on the Judiciary again reported the claim favorably to the Senate; and when the Senator from Nebraska [Mr. BURKE] raised some question about the "staleness" of the claim, the Senator from Vermont who is the author of the joint resolution himself gladly had the claim recommitted to the Committee on Claims, of which the Senator from Nebraska is a member, so that he might study the matter in detail, fully believing and having confidence that when the Senator studied the joint resolution he would have no further objection to it.

My reason for making such remarks at this time is that I want the Senate to have the benefit of the computation of this claim. I want them to see what it is, and I want them to observe that eight States have already been paid for claims identical with this. I have the dates of the payments. One of them was made to North Carolina as late as 1928. I want to put all these data in the RECORD, so that Senators may have the data before them, and so that when we come to the consideration of this measure they will have the advantage of that information.

I ask unanimous consent to insert in the RECORD this important information, which absolutely proves the justice of this small claim of the State of Vermont.

The PRESIDING OFFICER. Without objection, the matter referred to by the Senator from Vermont will be printed in the RECORD.

The matter referred to is as follows:

1812 WAR CLAIM OF STATE OF VERMONT
COMPUTATION OF BALANCE DUE

The claim of the State of Vermont for reimbursement of advances and expenditures made by Vermont for military purposes during the War of 1812-15, is based upon an audit made by the Comptroller General of the United States on February 19, 1935, at the direction of the Senate.

That audit indicates the claim is comprised of two items:

- (1) Actual military expenditures (noninterest bearing) \$35,057.78
(2) Balance due Vermont for loans and interest 57,811.12

Computed as follows:

Loan dated Jan. 1, 1817 \$4,130.00
Interest thereon at 6 percent
per annum to Mar. 30, 1820,
3 years 20 month 29 days 804.66
Loan dated Jan. 1, 1918 6,000.00
Interest thereon at 6 percent
per annum to Mar. 30, 1820,
2 years 2 months 29 days 809.00

Total interest and principal 11,743.66
Less payment of Mar. 30, 1820,
made by the United States to
the State of Vermont "for pay-
ments made to selectmen of
sundry towns in said State for
subsistence, camp equipage,
ammunition, and transporta-
tion of baggage, etc., furnished
by them for detachment of
militia called into the service
of the United States in the
summer of 1812" 4,421.18

New principal 7,322.48
Computed as follows:

Interest on new principal at 6
percent per annum from Mar.
30, 1820, to Feb. 28, 1935, 114
years and 11 months 50,488.64
57,811.12

Total due Vermont as of the Comptrol-
ler General's audit of Feb. 19, 1935... 92,868.90

EXPLANATION OF COMPUTATION

(1) The first item is for actual military expenditures, totaling \$35,057.78, incurred and paid by Vermont during the War of 1812-15, as shown by the itemization in the Comptroller General's audit of February 18, 1935.

For these expenditures, the State of Vermont has never been reimbursed by the United States. They are not interest-bearing.

(2) The second item is for loans and interest due Vermont, totaling \$57,811.12, arising from Treasury notes issued by Vermont for the use and benefit of the United States, for expenses during said war.

Two loans were made by Vermont; one of \$4,130 (on January 1, 1817), and the other of \$6,000 (on January 1, 1818). These two loans, together with interest to March 30, 1820, results in the total amount due Vermont on that date, of \$11,743.66.

Against this amount, by the Maryland rule, was applied the \$4,421.18 reimbursed to the State on March 30, 1820, said payment being first applied to interest due as of that date.

As the result of the payment of March 30, 1820, there was still due the State as of that date, \$7,322.48, representing the new principal.

Now, computing interest on such amount to February 28, 1935, the date of the Comptroller General's audit, there is due a total of principal and interest of \$57,811.12.

MARYLAND RULE

Such computation and reimbursement to the State of Vermont conforms to the Maryland rule, applied in the reimbursements already made by the Congress to the States of Maryland, Delaware, Massachusetts, New York, North Carolina, Pennsylvania, South Carolina, and Virginia, and the city of Baltimore.

The Maryland rule, as set out in the act of March 3, 1857, is as follows:

"SEC. 12. * * * In the calculation of interest due under the act aforesaid the following rule shall be observed, to wit, interest shall be calculated up to the time of any payment made. To this interest the payment shall be first applied, and if it exceeds the interest due, the balance shall be applied to diminish the principal; if the payment fall short of the interest, the balance of interest shall not be added to the principal so as to produce interest. Second, interest shall be allowed to the State of Maryland on such sums only on which the said State either paid interest or lost interest by the transfer of an interest-bearing fund." (11 Stat. L. 229).

In interpreting such rule, the Attorney General of the United States, on August 11, 1857, made the following statement:

"Where Congress authorizes the payment of a debt, with interest, this, without more, means that legal interest shall be paid on

the whole of the principal for all times during which the principal has been unpaid * * *. Congress has given to Maryland interest on her debt, and I look in vain for anything which declares that interest shall be stopped before the principal is paid." (See 9th Atty. Gen. Op. 57.)

PRECEDENTS

Such rule and the interpretation thereof has been followed by the Congress in reimbursing eight other States and the city of Baltimore more than \$5,000,000 in principal, and more than \$3,000,000 in interest, growing out of expenditures made for the benefit of the United States during the War of 1812, as shown by the tabulation attached (exhibit A).

It will be seen from such tabulation that, as late as 1928, the State of North Carolina was paid the balance of interest due her on her 1812 war claim; her principal sum being \$65,000, and her interest claim being \$179,339.88, or more than three times her principal sum.

VERMONT'S INTEREST-BEARING PRINCIPAL COMPRISES ONLY SMALL PORTION OF HER TOTAL PRINCIPAL

The total principal of Vermont's claim is \$49,608.96, of which but \$10,130 is interest-bearing, as Vermont was required only to borrow that amount at interest, furnishing the balance out of her own funds; whereas all the other States who, during the War of 1812, advanced money to the Government were required to borrow the same at interest. And those States have been reimbursed not only their principal expenditures but also the interest computed on the entire principals so expended.

EXHIBIT A

WAR OF 1812-15

Principal and interest reimbursements to 8 States and 1 city

	Principal	Interest	Total
Baltimore, Md.			
Militia pay	\$63,014.59	\$143,675.39	\$206,689.98
Acts of May 20, 1826, and			
Apr. 8, 1830	39,606.36		
Act of Mar. 3, 1857	104,069.03		
Delaware			
Act of Mar. 3, 1817	34,545.72	89,780.50	124,326.22
Act of May 20, 1826	6,530.00		
Act of May 30, 1908	83,250.65		
Maryland			
Act of Mar. 3, 1817	292,648.03	343,387.45	636,035.48
Act of May 13, 1826	67,617.22		
Act of Mar. 3, 1857	275,770.23		
Massachusetts			
Act of May 31, 1830	657,924.74	578,362.41	1,336,287.15
Subsistence			
Act of Mar. 1, 1859	227,176.48		
Act of July 8, 1870	678,362.41		
New York			
Act of Mar. 3, 1817	151,054.07	158,850.70	309,904.77
Act of Aug. 5, 1854	11,929.45		
Act of May 22, 1826	40,264.86		
Act of Feb. 27, 1906	118,585.84		
North Carolina			
Militia pay	65,000.00	179,339.88	244,339.88
Act of Mar. 3, 1817	17,000.00		
Act of Mar. 1, 1837	30,000.00		
Act of May 29, 1928	167,339.88		
Pennsylvania			
Act of Mar. 3, 1817	292,120.83	254,340.25	546,461.08
Subsistence			
Act of Mar. 3, 1827	17,577.60		
Act of Feb. 27, 1906	236,762.65		
South Carolina			
Act of Mar. 3, 1817	158,000.00	201,504.93	359,504.93
Act of Mar. 22, 1832	157,259.16		
Act of May 27, 1902	47,245.77		
Virginia			
Militia pay	1,807,420.06	178,480.11	1,985,918.17
Subsistence			
Act of Mar. 3, 1817	\$950,000.00		
Act of Mar. 3, 1817	15,300.00		
Act of Mar. 3, 1825	42,138.06		
Act of Mar. 3, 1825	178,480.11		
Grand total	3,521,728.04	2,127,739.62	5,649,467.66

¹ \$118,035.69 paid to the State in cash; balance of \$49,304.19 credited on the State's indebtedness to the Government, on account of unpaid State bonds.

Suppression of Indian hostilities—Reimbursements made to 15 States

Alabama	\$193,807.44
Militia services, 1836 and 1837 (act Aug. 16, 1842)	\$111,214.13
Interest on advances made (act Jan. 26, 1849)	69,137.99
Certain claims (act Aug. 10, 1846)	13,455.32
Arkansas	1,212.00
Resisting incursions of Cherokee Indians (act Mar. 3, 1857)	
California	1,149,237.71
Suppressing Indian hostilities prior to January 1, 1854 (acts Aug. 5, 1854, and Aug. 18, 1856, sec. 8)	\$914,077.02
Suppressing Indian hostilities, 1854, 1855, 1857, 1858, and 1859 (acts Mar. 2, 1861, and July 25, 1868)	231,067.87
Suppressing Modoc Indian hostilities (act Jan. 6, 1883)	4,142.82

Suppression of Indian hostilities—Reimbursements made to 15 States—Continued

Florida	\$164,742.29
Expenses incurred in 1849 and 1852 (act Feb. 27, 1861)	\$71,954.19
Expenses incurred, 1849 and 1852 (act Mar. 3, 1857)	92,788.10
Georgia	554,565.60
Militia services, 1792, 1793, 1794 (act Mar. 2, 1827)	\$91,676.19
Militia services, 1835-38 (act Aug. 11, 1842)	175,000.00
Militia services, 1835-38 (act Mar. 3, 1853, sec. 8)	139,908.46
Interest allowance (act Mar. 3, 1851)	34,958.65
Calling out militia, 1836 (2d Comp.'s letter No. 1160, Jan. 10, 1846)	40,725.36
Expenses of Indian wars, 1835-38 (act Mar. 3, 1879)	72,296.94
Iowa	18,988.84
Advances to troops, 1857, 1858, 1859 (act June 21, 1860)	
Kansas	332,308.13
Suppressing Indian hostilities (act June 27, 1882)	
Maine	268,060.48
Interest on expenditures in defense of northeastern frontier, 1839, 1840, 1841 (acts Mar. 3, 1861, and Aug. 31, 1852)	\$74,158.95
Militia service in defense of northeastern frontier, 1839 (act June 13, 1842)	193,901.53
Minnesota	360,827.18
Suppressing Indian hostilities in 1862 (acts Mar. 3, 1863, and July 2, 1864)	\$359,579.81
Expenses incurred by Capt. James Starkey's company of Minnesota Volunteers (act Mar. 3, 1859)	1,247.37
Nebraska	38,287.15
Suppressing Indian hostilities, 1864 (act July 27, 1866)	
New Hampshire	9,878.42
Militia services, 1835-37 (act Mar. 2, 1849)	\$5,487.56
Interest on expenditures in Indian wars, 1835, 1836, 1837 (act Jan. 27, 1852)	4,390.86
North Carolina	9,382.48
Expenses in Florida war, 1836, 1837, 1838 (act Aug. 31, 1852)	
Oregon	70,268.08
Suppressing Modoc Indian hostilities (act Jan. 6, 1883)	
South Carolina	19,369.05
Claims relating to Florida war, 1836 (act Aug. 31, 1852)	
Utah	19,690.65
Suppressing Indian hostilities (act July 17, 1854)	
Total	3,210,675.50

Mr. McKELLAR. I ask to have the joint resolution go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

EXTENSION OF PRIVILEGES OF NAVY POST EXCHANGES TO OFFICERS, ETC., OF UNITED STATES COURT FOR CHINA

The bill (S. 2946) to extend privileges of the Navy post exchanges to officials and employees of the United States Court for China was announced as next in order.

Mr. KING. Mr. President, does the bill apply to any persons other than those in China?

Mr. HATCH. Mr. President, the amendment applies to civilian officers and employees of the United States in the territories beyond the continental limits of the United States.

Mr. KING. Does that mean that it would apply to those in Alaska?

Mr. HATCH. Yes.

Mr. KING. And in Hawaii?

Mr. HATCH. Yes.

Mr. KING. And in Puerto Rico?

Mr. HATCH. Yes.

Mr. KING. Will they all have the benefit of the post exchanges?

Mr. HATCH. Yes.

Mr. KING. I think I shall object.

Mr. HATCH. I think the Senator will recall the discussion we had in the committee meeting, in which it was stated that these privileges have already been extended to other departments of the Government. Civilian employees of the Foreign Service are given these privileges. The bill was introduced at the request of the Department of Justice in order to extend the same provisions to the employees of the United States Court for China.

Mr. KING. I shall ask that the bill be passed over.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. WALSH. Last year a bill was passed extending to employees of the Government in the Foreign Service the right to enjoy the benefit of the naval commissaries.

Mr. HATCH. That is correct. Then it later developed, I will say to the Senator from Utah, that the Treasury Department also has some civilian employees. The Navy Department, the Interior Department, the Director of the Budget, and the Department of Justice all agree that this bill is meritorious legislation. In fact, as the law now stands, it is discriminatory against the other civilian employees of the United States.

Mr. KING. It may be discriminatory, but I should like to look into it. It seems to me that if the Federal Government, through its commissary department, is to furnish commodities to all the civilian employees of the Government, we shall have a very large bill.

The PRESIDING OFFICER. Objection is heard.

Mr. CLARK. Mr. President, will the Senator from Utah withhold his objection for just a moment?

Mr. KING. Yes.

Mr. CLARK. This bill has to do with the post exchanges, not the commissaries of the United States Navy or the United States Army.

Mr. KING. The principle is the same.

Mr. CLARK. It seems to me the only fault of this bill is that it ought to be extended to all such situations all over the United States. For instance, the American Minister at Panama and other diplomatic services are not permitted to deal with the post exchanges of the Army organization or the Navy organization in the Panama Canal Zone. It seems to me to be a perfectly ridiculous thing. In foreign countries, advantages which might accrue to semigovernmental agencies and only semigovernmental agencies are withheld from Government employees.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. CLARK. I yield.

Mr. HATCH. Does it not seem further ridiculous that the privilege in question is extended to part of our civilian employees and denied to others?

Mr. CLARK. It certainly does.

Mr. HATCH. The only purpose of the bill is to correct that situation.

Mr. CLARK. The only fault I find with the bill is that it ought to be broadened so as to extend to all such situations.

Mr. KING. So many faults are found in the bill that I ask to have it passed over.

The PRESIDING OFFICER. The bill will be passed over.

BILL PASSED OVER

The bill (H. R. 8099) to amend certain administrative provisions of the Tariff Act of 1930, and for other purposes, was announced as next in order.

Mr. WALSH. Mr. President, this is a very important bill, extensive in its scope. It is an almost entire rewriting of the law dealing with customs administration, and it will have to have a special assignment for some future day. Of course, it should go over at this time.

The PRESIDING OFFICER. The bill will be passed over.

STAR-ROUTE CONTRACTS IN FOURTH CONTRACT SECTION

The Senate proceeded to consider the joint resolution (S. J. Res. 269) to authorize the Postmaster General to withhold the awarding of contracts for a period of 60 days, which had been reported from the Committee on Post Offices and Post Roads with an amendment, on page 1, line 6, before the word

"days", to strike out "60" and insert "30", so as to make the joint resolution read:

Resolved, etc., That the Postmaster General is authorized and directed to withhold the awarding of star-route contracts for which bids have been received in the fourth contract section for a period of 30 days after March 8, 1938.

The amendment was agreed to.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES A. RYAN

The bill (S. 3464) to extend the Metlakatla Indians' Citizenship Act was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the benefits of the act approved May 7, 1934, entitled "An act granting citizenship to the Metlakatla Indians of Alaska" (48 Stat. 667), are hereby extended to Charles A. Ryan, an Indian of the Tsimshian Tribe, born in British Columbia, Canada, who is now a bona fide permanent resident of Metlakatla, in the Annette Islands Reserve, Alaska, and who is a member of the Metlakatla Community.

DELINQUENT HOMESTEAD ENTRIES

The bill (H. R. 5753) to authorize advance of the amounts due on delinquent homestead entries on certain Indian reservations was considered, ordered to a third reading, read the third time, and passed.

E. C. BEAVER

The Senate proceeded to consider the bill (S. 1701) for the relief of E. C. Beaver, who suffered loss on account of the Lawton, Okla., fire, 1917, which had been reported from the Committee on Claims with an amendment to add a proviso at the end of the bill, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$1,502 to E. C. Beaver, as compensation in full for loss of property destroyed by the fire on September 24, 1917, in the city of Lawton, Okla., such loss having been the result of the inability of the fire department of the city of Lawton to control said fire because of lack of water, all available water for fire-fighting purposes having been appropriated and being used by the War Department in connection with the training of soldiers at Fort Sill and Camp Doniphan: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 2565) authorizing the Comptroller General to settle and adjust the claim of List & Clark Construction Co. was announced as next in order.

Mr. McKELLAR. Mr. President, why was this not sent to the Court of Claims? Let it go over.

The PRESIDING OFFICER. The bill will be passed over.

PAUL BURRESS

The bill (H. R. 2225) for the relief of Paul Burress was considered, ordered to a third reading, read the third time, and passed.

TULE FINKELSTEIN

The bill (H. R. 4370) for the relief of Tule Finkelstein was considered, ordered to a third reading, read the third time, and passed.

JOHN M. FRALEY

The bill (H. R. 5149) for the relief of John M. Fraley was considered, ordered to a third reading, read the third time, and passed.

PETER SIETSMA

The bill (H. R. 5603) for the relief of Peter Sietsma was considered, ordered to a third reading, read the third time, and passed.

DR. G. A. NEAL

The bill (H. R. 6257) for the relief of Dr. G. A. Neal was considered, ordered to a third reading, read the third time, and passed.

MR. AND MRS. VIRGIL O. POWELL, AND WILLIAM POWELL, A MINOR

The bill (H. R. 2841) for the relief of Mr. and Mrs. Virgil O. Powell, and William Powell, a minor, was considered, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 3389) for the relief of Benjamin Weisenberg was announced as next in order.

Mr. McKELLAR. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

A. C. MESSLER CO.

Mr. GREEN. Mr. President, I ask that the Senate recur to Order of Business 1491, Senate bill 3005, to confer jurisdiction on the Court of Claims to hear and determine the claim of the A. C. Messler Co.

Mr. KING. Mr. President, let us have an explanation.

Mr. GREEN. This bill was reported on and passed by the Senate in the Seventy-second, Seventy-third, and Seventy-fourth Congresses, and I hope it will be passed at this session, and may receive favorable consideration in the House.

Mr. KING. What is the merit of the case? I objected to the consideration of the bill when it was called, and the Senator from Rhode Island was not in the Chamber, and no one was here to make an explanation.

Mr. GREEN. Mr. President, I do not desire to discuss the merits of the case, but I believe a judicial determination is necessary.

Mr. KING. The Senator need not discuss the merits, but he may tell us generally what the purpose of the bill is.

Mr. GREEN. This is a controversy over the construction of a contract for furnishing certain munitions of war.

Mr. KING. It goes back to the war days?

Mr. GREEN. Yes.

Mr. KING. Why did not the claimant present his claim? We set up a special board for the consideration of all war claims. Why did not the claimant present his claim there?

Mr. GREEN. I think he did present his claim, but for some reason or other it was disallowed.

Mr. KING. If the Senator will let the matter go over, I will examine into it and confer with the War Department about it.

The PRESIDING OFFICER. Objection being heard, the bill will be passed over.

ELLA GOODWIN

The bill (H. R. 3706) for the relief of Ella Goodwin was considered, ordered to a third reading, read the third time, and passed.

ROBERTA CARR

The Senate proceeded to consider the bill (H. R. 2191) for the relief of Roberta Carr, which had been reported from the Committee on Claims with an amendment, on page 1, line 7, after the words "sum of", to strike out "\$5,000" and to insert "\$2,000", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury allocated by the President for the maintenance and operation of the Civilian Conservation Corps, to Roberta Carr, of Sandlick, Claiborne County, Tenn., the sum of \$2,000 in full satisfaction of her claim against the United States as a result of a collision between a truck operated by an enrollee of the Civilian Conservation Corps and an automobile driven by her husband, Swan Carr, on Highway No. 25-E, between Tazewell and Cumberland Gap, Tenn., on April 27, 1935, which collision caused the death of said Swan Carr: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

THEODORE BEDARD, JR.

The bill (H. R. 842) for the relief of Theodore Bedard, Jr., was considered, ordered to a third reading, read the third time, and passed.

MARY A. MAHER

The Senate proceeded to consider the bill (H. R. 1691) for the relief of Mary A. Maher.

Mr. McKELLAR. Mr. President, what is the amount involved?

Mr. BROWN of Michigan. No amount is involved.

The PRESIDING OFFICER. The question is on the third reading of the bill.

The bill was ordered to a third reading, read the third time, and passed.

BOARD OF INSPECTORS, PORT ARTHUR, TEX.

The Senate proceeded to consider the bill (H. R. 4201) to create a board of inspectors, bureau of marine inspection and navigation, at Port Arthur, Tex.

Mr. KING. Mr. President, let this bill go over.

Mr. SHEPPARD. Mr. President, the business of the ports at Port Arthur, Beaumont, Orange, Neches, and Lake Charles has grown so enormously that a separate board for this group of ports is amply justified. At present the work is being done by the boiler and hull inspectors at Galveston, which is some 60 miles away. The work at the group of ports I have mentioned is 40 percent of the work at these ports and the port of Galveston combined.

Mr. KING. Who pays for it?

Mr. SHEPPARD. The Federal Government pays its inspectors.

Mr. KING. How much of a board is there?

Mr. SHEPPARD. Three inspectors—ship, hull, and boiler inspectors. About 40,000,000 tons of commerce per annum go through the ports at Port Arthur, Beaumont, Orange, and Lake Charles, the ports to be served by this new board.

Mr. KING. Mr. President, we will soon have in every city and hamlet and port in the United States from one to several thousand Federal employees to swell the Federal pay roll. I suppose the tide is irresistible.

The PRESIDING OFFICER. The question is on the third reading of the bill.

The bill was ordered to a third reading, read the third time, and passed.

CLOSING OF MILITARY ROAD, ARLINGTON COUNTY, VA.

The Senate proceeded to consider the bill (S. 3304) to promote air commerce by providing for the closing of Military Road, which had been reported from the Committee on Commerce with an amendment, on page 3, after line 23, to insert a new section, as follows:

SEC. 3. The Secretary of War is authorized and directed, upon the execution of such quitclaim deed and lease, to close that portion of Military Road described in sections 1 and 2 of this act.

So as to make the bill read:

Be it enacted, etc., That the Secretary of War is authorized and directed to convey by quitclaim deed to the National Airport Corporation, a corporation organized under the laws of the State of Delaware, the lands forming that part of Military Road, Fort Myer Military Reservation, Arlington County, Va., described as follows: Beginning at point on the easterly line of the Arlington Reservation north 16° west 75.29 feet from the stone marking the southeast corner of said reservation; thence with said easterly line of said reservation north 16° no minutes west 71.73 feet; thence north 85°35' east 263.25 feet; thence by a curve to the right of 608.7 feet radius 336.42 feet; thence south 62°45' east 1,253.11 feet; thence by a curve to the left of 406.7 feet radius 454.27 feet; thence north 53°15' east 32.09 feet to a point; thence south 31°27' east 8.96 feet to the northwest corner of the right-of-way of the Virginia approach to the Highway Bridge; thence with the westerly line of said right-of-way south 20°55' west 110.91 feet; thence south 66°15' west 45.85 feet; thence by a curve to the right of 476.7 feet radius 424.3 feet; thence north 62°45' west 1,253.11 feet; thence by a curve to the left for 538.7 feet radius 297.73 feet; thence south 85°35' west 247.63 feet to the

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point of beginning. The above-described parcel of land comprises a strip of land 70 feet in width, the center line of said 70-foot strip being coincident with the center line of the highway from the Highway Bridge to Arlington National Cemetery, and contains 3.7165 acres of land, more or less.

SEC. 2. The Secretary of War is further authorized and directed to lease to such corporation for airport purposes, under such terms and conditions as he may prescribe, for a period not exceeding 50 years and only for such period as the adjoining land shall be used for an airport, at a rental of \$1 per annum, that part of such Military Road lying east of the Washington and Southern freight branch of the Pennsylvania Railroad and which is not included in the conveyance provided for in section 1 of this act and which contains approximately one and one-half acres.

SEC. 3. The Secretary of War is authorized and directed, upon the execution of such quitclaim deed and lease, to close that portion of Military Road described in sections 1 and 2 of this act.

SEC. 4. The Secretary of War shall not execute such quitclaim deed or lease to the National Airport Corporation until the National Airport Corporation shall have paid to the Board of Commissioners of Arlington County the sum of \$25,000 for the construction of a substitute road.

Mr. McKELLAR. Mr. President, this bill is reported adversely by the Department.

Mr. COPELAND. Mr. President, last year Congress passed a bill closing the Military Road in Arlington County, Va., which runs through the so-called Washington-Hoover Airport. We have a commission seeking to find a place for a permanent airport for this city. In the meantime, there is no other airport than this one, and there is thought to be a special hazard at this airport by reason of the Military Road which passes through it. A light has been installed and a guard is kept there at certain times of the day to keep vehicles back while planes are starting.

Mr. McKELLAR. Mr. President, why does the Department report against the bill? It would seem that there is a hazard there, and a very great hazard.

Mr. COPELAND. I was not aware that any department had reported adversely. What department has done so?

Mr. McKELLAR. The War Department has reported adversely.

Mr. COPELAND. I cannot for the life of me see how the War Department has any interest in it.

Mr. McKELLAR. The road is a military road.

Mr. COPELAND. Let me explain that. If the military road is closed it must be replaced at the expense of the owners of the airport, and with the consent of the Virginia authorities, and they are satisfied to have the road go south of the field instead of across it. In the interest of safety we ought to do this. A similar bill was vetoed last year because it was too inclusive. It included a provision for taking over certain land under the jurisdiction of the Department of Agriculture, and it included a provision for closing the lagoon just to the north, so it met a veto. I have no complaint to offer, but I would have a very serious complaint to offer if we failed to do a thing which would cost us nothing, but which in return would afford the possibility of promoting safety.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CUSTOMS OFFICERS AND EMPLOYEES

The bill (S. 2986) to amend section 6 of the act approved May 27, 1936 (49 U. S. Stat. L. 1380), was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the act of May 27, 1936, entitled "An act to provide for a change in the designation of the Bureau of Navigation and Steamboat Inspection, to create a marine casualty investigation board and increase efficiency in administration of the steamboat inspection laws, and for other purposes", be amended by adding after the word "assistants", on line 4 of section 6, the words "Customs officers and employees."

COMPACTS RELATING TO FISHING IN THE GREAT LAKES

The joint resolution (H. J. Res. 504) to authorize compacts or agreements between the States bordering on the Great Lakes with respect to fishing in the waters of the Great

Lakes, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

ESTATE OF RAQUEL FRANCO

The bill (S. 3102) for the relief of the estate of Raquel Franco was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estate of Raquel Franco the sum of \$533.74 in full and final settlement of all claims whatsoever against the United States for compensation for damages arising from personal injuries sustained by Raquel Franco in the collision between a United States Army truck and the Chevrolet touring car of Victor M. Ruiz C, on March 26, 1935, near Arraijan, Republic of Panama: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

DOROTHY ANNE WALKER

The Senate proceeded to consider the bill (S. 3056) for the relief of Dorothy Anne Walker, which had been reported from the Committee on Claims with amendments, on page 1, line 5, after the word "to", to insert the words "the legal guardian of"; and on line 6, after the name "Walker", to insert a comma and the words "a minor", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the legal guardian of Dorothy Anne Walker, a minor, of Dodge County, near Chauncey, Ga., the sum of \$10,000 in full satisfaction of her claim against the United States for damages for injuries sustained by her as a result of being struck on highway No. 27, about 12 miles south of Eastman, Ga., by a United States Army truck after she had alighted from a school bus on May 19, 1937: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with such claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with such claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Dorothy Anne Walker, a minor."

BOSTON CITY HOSPITAL AND OTHERS

The bill (S. 2413) for the relief of the Boston City Hospital, Dr. Donald Munro, and others, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to pay, out of funds appropriated for medical care and treatment of officers, enlisted men, and civilian employees of the Army, to the Boston City Hospital, Boston, Mass., the sum of \$585.67; to Dr. Donald Munro, the sum of \$401; to Evelyn Burns, nurse, the sum of \$460; to Catherine A. Brennan, nurse, the sum of \$20; to Kathleen A. Conroy, nurse, the sum of \$150; to Mary Gannon, nurse, the sum of \$5; to Ethel Glennon, nurse, the sum of \$245; to Margaret D. Gaven, nurse, the sum of \$280; to Patricia V. Souser, nurse, the sum of \$40; to Eleanor Sexton, nurse, the sum of \$5; Hazel Trott, nurse, the sum of \$65; to Gladys Drake, nurse, the sum of \$105; in all \$2,361.67, in full settlement of all claims against the Government of the United States for services and professional treatment rendered Lt. Paul A. Leahy, United States Army, during the period from August 2, 1935, to December 23, 1935: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

ESTATE OF JAMES D. M'Eachern

The Senate proceeded to consider the bill (S. 866) for the relief of the estate of James D. McEachern, which had been reported from the Committee on Claims with amendments, on page 1, line 5, after the words "sum of", to strike out "\$10,000" and to insert in lieu thereof "\$5,000", and to add a proviso at the end of the bill, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$5,000 to the estate of James D. McEachern, in full settlement of all claims against the United States for the death of the said James D. McEachern resulting from an accident which occurred on December 16, 1935, at Cambridge, Mass., involving a Government-owned truck of the Department of the Interior: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GLENN MORROW

The Senate proceeded to consider the bill (S. 2979) for the relief of Glenn Morrow, which had been reported from the Committee on Claims with amendments, on page 1, line 5, after the name "Morrow", to insert "of Des Moines, Iowa", and on line 9, after the word "by", to insert "an employee", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Glenn Morrow, of Des Moines, Iowa, the sum of \$2,500 in full settlement of all claims against the United States of America for the death of his wife resulting from injuries received when a car in which she was riding was struck by a vehicle operated by an employee of the Works Progress Administration in Oklahoma City, Okla., on September 12, 1936: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GRIFFITH L. OWENS

The bill (S. 3215) for the relief of Griffith L. Owens was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That notwithstanding the provisions and limitations of sections 15 to 20, both inclusive, of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, the United States Employees' Compensation Commission be, and the same is hereby, authorized and directed to receive and consider, when filed, the claim of Griffith L. Owens, of Poulney, Vt., for disability alleged to have been incurred by him on September 6, 1935, while enrolled in the Civilian Conservation Corps, Company 166, Camp 2136, Peru, Vt.: *Provided*, That claim hereunder shall be filed within 6 months after the approval of this act: *Provided further*, That no benefits shall accrue prior to the enactment of this act.

CLAIMS OF PROPERTY OWNERS IN OLD HARBOR VILLAGE, BOSTON, MASS.

The Senate proceeded to consider the bill (H. R. 1948) conferring jurisdiction upon the United States District Court for the District of Massachusetts to hear, determine, and render judgment upon the claims of certain property owners within the Old Harbor Village area of Boston, Mass., which had been reported from the Committee on Claims with an amendment

to strike out all after the enacting clause and to insert the following:

That jurisdiction is hereby conferred upon the United States District Court for the District of Massachusetts to hear, determine, and render judgment upon the claims of all property holders (including a partnership, corporation, association, or business trust) who owned property within the Old Harbor Village area of Boston, Mass., and who were parties to the condemnation proceedings, for damages alleged to have occurred to said property holders resulting from the commencement of the condemnation proceedings instituted by the United States through the Public Works Administration for the purpose of carrying out the slum-clearance project in such area known as project H-3301 Housing-B-3-HTM, said damages, if any, to be confined to loss through rental income and destruction of property due to vandalism, which would not have occurred if such condemnation proceedings had not been instituted.

Sec. 2. Suit upon such claims may be instituted at any time within 1 year after the enactment of this act, notwithstanding the lapse of time or any statute of limitations.

Mr. KING. Mr. President, I should like to have an explanation of this bill.

Mr. BROWN of Michigan. Mr. President, this is a measure which grows out of a condemnation proceeding which was started in the city of Boston—Old Harbor is a part of the city of Boston—by the Secretary of the Interior, where P. W. A. money was being used for the construction of buildings. In the so-called Louisville case the right to condemn was declared unconstitutional. They had already started condemnation proceedings in this case, and as a result of those proceedings having been started the tenants moved out of the buildings involved and some real loss was occasioned to the owners of the property.

As the bill was originally presented it was very much too broad, and we limited it to the actual loss of the rentals which could be attributed to the condemnation proceeding and its failure because of the court decision in the Louisville case.

Mr. KING. I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act conferring jurisdiction upon the United States District Court for the District of Massachusetts to hear, determine, and render judgment upon the claims of certain property holders within the Old Harbor Village area of Boston, Mass."

RELIEF OF THE STATE OF GEORGIA

The Senate proceeded to consider the bill (S. 3263) for the relief of the State of Georgia, which had been reported from the Committee on Military Affairs with amendments, on page 1, line 6, after the word "total", to insert "money"; and in line 7, before the word "which", to strike out "\$7,782.32" and to insert "\$4,491.65", so as to make the bill read:

Be it enacted, etc., That the State of Georgia and Maj. Leroy Cowart, United States property and disbursing officer for Georgia, are hereby relieved from accountability for certain property belonging to the United States, of the total money value of \$4,491.65, which property was loaned to such State for use by the Georgia National Guard and was unavoidably lost or destroyed when issued for emergency relief work made necessary by tornadoes at Cordele, Washington, and Gainesville, Ga., in April 1936.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ADJUSTMENT OF RANK OF WILLIAM EDWARD REYNOLDS

The Senate proceeded to consider the bill (S. 2576) providing for the adjustment on the retired list of the Coast Guard of William Edward Reynolds, which was read, as follows:

Be it enacted, etc., That notwithstanding any other provision of law, from and after the date of the enactment of this act, William Edward Reynolds, rear admiral (lower half) United States Coast Guard, retired, shall have the rank, pay, and allowances of a rear admiral (upper half) on the retired list of the United States Coast Guard.

Mr. KING. Mr. President, is this a proper measure?

Mr. COPELAND. Mr. President, as one white-haired man I appeal to all white-haired men in the Senate. This man is the only living ex-Commandant of the Coast Guard who has not been retired as rear admiral, upper half. Admiral Reynolds served nearly 50 years in the Coast Guard. He is now 78 years old. The only difference that will result from the passage of the bill will be that he will become rear admiral, upper half. It also means that he will get about \$500 a year more.

Mr. KING. I have no objection.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PROTECTION OF UNITED STATES PROPERTY

The bill (S. 3096) to amend section 35 of the Criminal Code, as amended (U. S. C., title 18, sec. 82), relating to purloining, stealing, or injuring property of the United States was announced as next in order.

Mr. ASHURST. Mr. President, the Committee on the Judiciary requests that this bill be passed over until further study may be made of it.

The PRESIDING OFFICER. The bill will be passed over.

Mr. ASHURST subsequently said: Mr. President, when I made the statement in respect to Calendar No. 1561, Senate bill 3096, the able Senator from Texas [Mr. CONNALLY], a member of the Committee on the Judiciary, was not present. He has since come into the Chamber, and I am so accustomed to rely on him that I will ask him to explain the bill to the Senate, and I am sure his explanation will prove satisfactory.

The PRESIDING OFFICER. Without objection, the Senate will recur to Calendar No. 1561, Senate bill 3096.

Mr. CONNALLY. Mr. President, under the present law all offenses relating to purloining, stealing, or injuring property of the United States are considered felonies. The Attorney General's office calls attention to the fact that if the smaller offenses were made misdemeanors they could be prosecuted on information, and that it would not be necessary to wait for the action of grand juries, and it would be easier to dispose of the cases. So the committee reported the bill on the theory that that was sound policy, and recommended that it be passed.

Mr. ASHURST. That is a good explanation.

The PRESIDING OFFICER. Does the Senator from Arizona withdraw his objection?

Mr. ASHURST. Mr. President, I made no objection to the bill. I am glad to have it passed, in view of the explanation of the able Senator from Texas. I think it would be expedient to pass the bill.

Mr. McNARY. Mr. President, the able Senator from Texas was evidently discussing Calendar No. 1562.

Mr. ASHURST. Senate bill 1136, being Calendar 1562, was recommitted.

Mr. CONNALLY. Senate bill 3096, Calendar 1561, was the bill I had in mind.

The PRESIDING OFFICER. The Senate recurred to calendar 1561.

Mr. McNARY. I have no objection.

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That section 35 of the Criminal Code of the United States, as amended (U. S. C., title 18, secs. 80, 82, 83, 84, 85, and 86), be, and the same is hereby, amended to read as follows:

"Sec. 35. (a) Whoever shall make or cause to be made, or present or cause to be presented, for payment or approval, to or by any person or officer in the civil, military, or naval service of the United States, or any department thereof, or any corporation in which the United States of America is a stockholder, any claim upon or against the Government of the United States, or any department or officer thereof, or any corporation in which the United States of America is a stockholder, knowing such claim to be false, fictitious, or fraudulent; or whoever shall knowingly and willfully falsify or conceal or cover up by any trick, scheme, or device a material fact, or make or cause to be made any false or fraudulent statements or representations, or make or use or cause to be made or used any false bill, receipt, voucher, roll, account, claim, certificate, affidavit,

or deposition, knowing the same to contain any fraudulent or fictitious statement or entry, in any matter within the jurisdiction of any department or agency of the United States or of any corporation in which the United States of America is a stockholder; or whoever shall enter into any agreement, combination, or conspiracy to defraud the Government of the United States, or any department or officer thereof, or any corporation in which the United States of America is a stockholder, by obtaining or aiding to obtain the payment or allowance of any false or fraudulent claim; and whoever, having charge, possession, custody, or control of any money or other public property used or to be used in the military or naval service, with intent to defraud the United States or any department thereof, or any corporation in which the United States of America is a stockholder, or willfully to conceal such money or other property, shall deliver or cause to be delivered to any person having authority to receive the same any amount of such money or other property less than that for which he received a certificate or took a receipt, or whoever, being authorized to make or deliver any certificate, voucher, receipt, or other paper certifying the receipt of arms, ammunition, provisions, clothing, or other property so used or to be used, shall make or deliver the same to any other person without a full knowledge of the truth of the facts stated therein and with intent to defraud the United States, or any department thereof, or any corporation in which the United States of America is a stockholder, shall be fined not more than \$10,000 or imprisoned not more than 10 years, or both.

"(b) And whoever shall purchase, or receive in pledge, from any person any arms, equipment, ammunition, clothing, military stores, or other property furnished by the United States, under a clothing allowance or otherwise, to any soldier, sailor, officer, cadet, or midshipman in the military or naval service of the United States or of the National Guard or Naval Militia, or to any person accompanying, serving, or retained with the land or naval forces and subject to military or naval law, having knowledge or reason to believe that the property has been taken from the possession of the United States or furnished by the United States under such allowance, shall be fined not more than \$500 or imprisoned not more than 2 years, or both.

"(c) And whoever shall take and carry away or take for his use, or for the use of another, with intent to steal or purloin, or shall willfully injure or commit any depredation against, any property of the United States, or any branch or department thereof, or any corporation in which the United States of America is a stockholder, or any property which has been or is being made, manufactured, or constructed under contract for the War or Navy Departments of the United States, shall be punished as follows: If the value of such property exceeds the sum of \$50, by a fine of not more than \$10,000 or imprisonment for not more than 10 years, or both; if the value of such property does not exceed the sum of \$50, by a fine of not more than \$1,000 or by imprisonment in a jail for not more than 1 year, or both. Value, as used in this section, shall mean market value or cost price, either wholesale or retail, whichever shall be the greater."

BILL RECOMMITTED

The bill (S. 1136) providing for waiver of prosecution by indictment in certain criminal proceedings was announced as next in order.

Mr. ASHURST. Mr. President, it is true that the Senate Committee on the Judiciary favorably reported a similar bill during the last Congress, and it was passed by the Senate, but there is so much dispute as to the right of the Congress to pass such bills that I ask that the bill be recommitted to the Committee on the Judiciary.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLAIMS AGAINST THE UNITED STATES

The Senate proceeded to consider the bill (S. 2382) to amend the Judicial Code in respect to claims against the United States for just compensation, which was read as follows:

Be it enacted, etc., That section 156 of the Judicial Code of the United States (U. S. C., title 28, sec. 262) be amended to read as follows:

"Sec. 156. Except as provided by section 156a of the Judicial Code, every claim against the United States cognizable by the Court of Claims shall be forever barred unless the petition setting forth a statement thereof is filed in the court, or transmitted to it by the Secretary of the Senate or the Clerk of the House of Representatives, as provided by law, within 6 years after the claim first accrues. The claims of married women, first accrued during marriage, of persons under the age of 21 years, first accrued during minority, and of idiots, lunatics, insane persons, and persons beyond the seas at the time the claim accrued, entitled to the claim, shall not be barred if the petition be filed in the court or transmitted, as aforesaid, within 3 years after the disability has ceased; but no other disability than those enumerated shall prevent any claim from being barred, nor shall any of the said disabilities operate cumulatively."

Sec. 2. That the Judicial Code of the United States be amended by inserting after section 156 (U. S. C., title 28, sec. 262) the following section:

"Sec. 156a. Every claim against the United States for just compensation for property taken by the United States, or for the use or manufacture by or for the United States without license of the owner thereof, of an invention described in or covered by a patent of the United States, shall be forever barred unless the petition setting forth a statement thereof is filed in court within 1 year after the claim first accrued: *Provided, however,* That if the petition contains or is accompanied by a waiver of that portion of the interest accruing between the expiration of such 1-year period and the date on which the petition is filed, it may be filed within the period prescribed by section 156 of the Judicial Code (U. S. C., title 28, sec. 262)."

Mr. ASHURST. Mr. President, this bill is a rara avis—a rare bird. It actually proposes to save some of the money of the taxpayers. In explanation of the bill, I now read a letter from the Attorney General of the United States, as follows:

MARCH 16, 1937.

HON. HENRY F. ASHURST,

Chairman, Committee on the Judiciary,

United States Senate, Washington, D. C.

MY DEAR SENATOR: A considerable financial burden to the Government has resulted from decisions of the Supreme Court holding that interest should be recovered in actions for just compensation for the taking of property and in suits arising out of the use by the Government of patented inventions. Prior to 1923 the courts did not allow interest in such cases, but in *Seaboard Air Line Railway Co. v. United States* (261 U. S. 299), decided at that time, the Supreme Court held that interest was a part of "just compensation" in cases of taking of property by the Government. In 1931 the Court extended this rule to patent cases (*Waite v. United States*, 282 U. S. 508).

As appears from the enclosed memorandum dated March 3, 1937, the Government has been compelled to pay large sums by way of interest in these two groups of cases, since the rendition of the above-mentioned decisions. The financial burden is enhanced by the fact that frequently plaintiffs take advantage of the 6-year statute of limitations and do not institute proceedings promptly, thereby permitting interest to accrue for an unnecessarily long period of time.

Accordingly, I recommend legislation to reduce the statute of limitations in these two classes of cases from 6 years to 1 year, with permission to the plaintiff to sue at any time within the 6-year period if the suit is accompanied by a waiver of additional interest accruing as a result of such delay. Such a measure would considerably reduce the amount of interest recoverable from the Government, without causing any injustice to claimants. A bill to effectuate this proposal is enclosed herewith.

Sincerely yours,

HOMER CUMMINGS,
Attorney General.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 2369) to amend the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended, and for other purposes, was announced as next in order.

Mr. McKELLAR. Mr. President, that bill was reported adversely by the Department.

Mr. THOMAS of Utah. Let the bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

W. COOKE

The Senate proceeded to consider the bill (S. 3352) for the relief of W. Cooke, which had been reported from the Committee on Indian Affairs, with an amendment, on page 1, line 5, after the word "otherwise", to strike out "appropriated and in full settlement against the Government, to W. Cooke, of Shawnee, Okla., the sum of \$8,470, compensating the said W. Cooke for liquidated damages charged for 121 days' delay in the completion of contract I-1-ind-6541, dated November 4, 1932, for the construction of an auditorium and gymnasium building at Sequoyah Indian Training School, Tahlequah, Okla., said liquidated damages being charged because of technical rulings of the Comptroller General of the United States of America" and to insert "appropriated, to W. Cooke, of Shawnee, Okla., the sum of \$5,810, in full settlement of his claim against the United States for liquidated damages assessed for delay in the completion of contract No. I-1-ind-6541 for the construction of a gymnasium at the Sequoyah

Indian Orphan Training School near Tahlequah, Okla.", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to W. Cooke, of Shawnee, Okla., the sum of \$5,810, in full settlement of his claim against the United States for liquidated damages assessed for delay in the completion of contract No. I-1-ind-6541 for the construction of a gymnasium at the Sequoyah Indian Orphan Training School near Tahlequah, Okla.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MERRITT REA

The bill (H. R. 4427) for the relief of Merritt Rea was considered, ordered to a third reading, read the third time, and passed.

JOHN FITZGERALD AND J. R. HARPER

The bill (H. R. 3253) for the relief of John Fitzgerald and J. R. Harper was considered, ordered to a third reading, read the third time, and passed.

CARL J. SCHEIER

The bill (H. R. 3703) for the relief of Carl J. Scheier was considered, ordered to a third reading, read the third time, and passed.

COMISION MIXTA DEMARCADORA DE LIMITES ENTRE COLOMBIA Y PANAMA

The Senate proceeded to consider the bill (S. 3103) for the relief of the Comision Mixta Demarcadora de Limites Entre Colombia y Panama, which had been reported from the Committee on Claims with an amendment to add a proviso at the end of the bill, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Comision Mixta Demarcadora de Limites Entre Colombia y Panama the sum of \$2,531.55 in full settlement of all claims against the United States for damages to cargo sustained and expenses incurred by said commission as a result of a collision on December 7, 1936, in the Bay of Panama between the motor launch *Don Bosco* chartered by the commission, and Panama Railroad barge No. 205, operated by the Signal Corps, United States Army: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PEARL BUNDY

The Senate proceeded to consider the bill (S. 3300) for the relief of Pearl Bundy, which had been reported from the Committee on Claims with an amendment, on page 1, line 7, after the words "sum of", to strike out "\$5,000" and to insert "\$3,000", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated and in full settlement of all claims against the United States Government, the sum of \$3,000 to Pearl Bundy, of Mitchell, Ind., rural route No. 2, for injuries sustained by being struck by a United States Government truck driven or operated by a member of the Civilian Conservation Corps on January 22, 1937: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary

notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE J. LEATHERWOOD

The Senate proceeded to consider the bill (S. 1987) for the relief of George J. Leatherwood, which had been reported from the Committee on Claims with amendments, on page 1, line 6, after the words "sum of", to strike out "\$5,000" and to insert "\$750, in full settlement of all claims against the United States"; and in line 9, after the word "October", to strike out "1931" and to insert "1930"; and at the end of the bill to add a proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to George J. Leatherwood the sum of \$750, in full settlement of all claims against the United States on account of an injury sustained by him at Murphy, N. C., on or about the 7th day of October 1930, in an attempt to assist in apprehending Jess McPherson, Walter Bryson, and Casey Bryson, who had robbed a post office at Coker Creek, Tenn., the said George J. Leatherwood having been summoned by A. M. Carringer, chief of police at Murphy, N. C., to assist in the apprehension of said robbers: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NICK GRUYICH

The bill (H. R. 520) for the relief of the estate of Nick Gruyich was considered, ordered to a third reading, read the third time, and passed.

FEDERAL LAND BANK OF BERKELEY, CALIF., AND A. E. COLBY

The bill (S. 3207) authorizing the Comptroller General to settle and adjust the joint claim of the Federal Land Bank of Berkeley, Calif., and A. E. Colby was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to settle and adjust the joint claim of the Federal Land Bank of Berkeley, Calif., and A. E. Colby in the amount of \$1,000 as damages to a parcel of land owned by them caused by the willful trespass of Government employees stationed at Civilian Conservation Corps Camp Mad River, F-30, and to allow in full and final settlement of the claim the sum of not to exceed \$1,000. There is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of \$1,000, or so much thereof as may be necessary, for the payment of the claim: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

G. E. MAXWELL

The Senate proceeded to consider the bill (S. 3584) for the relief of G. E. Maxwell, which had been reported from the Committee on Claims with an amendment to add a proviso at the end of the bill, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Dr. G. E. Maxwell, of Springerville, Ariz., the sum of \$332.70 in full settlement of any and all claims against the Government on account of medical services rendered to John Holmes, agent and employee of the Government, in the service of the Works Progress Administration, at Springerville, Ariz., on April 30, 1936: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of

this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MILES A. BARCLAY

The Senate proceeded to consider the bill (S. 3410) for the relief of Miles A. Barclay, which had been reported from the Committee on Claims with amendments on page 1, line 6, after the figures "\$81.04" to strike out "representing the amount of his claim" and to insert "in full settlement of his claim against the United States", and at the end of the bill to add a proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Miles A. Barclay, of Great Falls, Mont., the sum of \$81.04, in full settlement of his claim against the United States for mileage allowance while an employee of the Soil Conservation Service, Department of Agriculture, for travel authorized by means of his privately owned automobile during the period October 2 to November 25, 1936, inclusive, such claim for mileage having been disallowed by the General Accounting Office as a result of the travel having been performed in an automobile registered in the name of his father, A. Barclay: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM J. PITOCHELLI

The Senate proceeded to consider the bill (S. 3573) for the relief of William J. Pitocchelli, which had been reported from the Committee on Claims with an amendment, on page 1, line 5, after "William J.", to strike out "Pitocchelli" and to insert "Pitochelli", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William J. Pitocchelli, of Lawrence, Mass., the sum of \$837.13 in full satisfaction of his claim against the United States for injuries sustained by him as a result of an explosion of dynamite set off on a Works Progress Administration project at the city yard, Lawrence, Mass., on March 2, 1937: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with such claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with such claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of William J. Pitocchelli."

PAUL H. BRINSON

The bill (H. R. 6473) for the relief of Paul H. Brinson was considered, ordered to a third reading, read the third time, and passed.

F. E. BOOTH CO.

The bill (H. R. 3204) for the relief of F. E. Booth Co. was considered, ordered to a third reading, read the third time, and passed.

ROBERT LANDEAU, A MINOR

The bill (H. R. 6668) for the relief of Robert Landeau, a minor, was considered, ordered to a third reading, read the third time, and passed.

LIVVIE V. ROWE

The bill (H. R. 7679) for the relief of Livvie V. Rowe was considered, ordered to a third reading, read the third time, and passed.

JOSEPH D. SCHOOLFIELD

The bill (S. 3365) for the relief of Joseph D. Schoolfield was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That notwithstanding the provisions and limitations of sections 15 to 20, both inclusive, of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, the United States Employees' Compensation Commission be, and the same is hereby, authorized and directed to receive and consider, when filed, the claim of Joseph D. Schoolfield, of Greensboro, N. C., for disability alleged to have been incurred by him on March 5, 1930, while employed as chief, Income Tax Division, Bureau of Internal Revenue, Raleigh, N. C., and to determine said claim upon its merits under provisions of said act: *Provided*, That claim hereunder shall be filed within 6 months after the approval of this act: *Provided further*, That no benefits shall accrue prior to the enactment of this act.

EDITH JENNINGS

The Senate proceeded to consider the bill (S. 2798) for the relief of Edith Jennings, which had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Edith Jennings, of Arkansas City, Kans., widow of Joe Jennings, deceased, the sum of \$2,500, and to the legal guardian of Patsy Ruth Jennings, of Arkansas City, Kans., daughter of Joe Jennings, deceased, the sum of \$2,500, in full settlement of all claims against the United States arising out of the death of the said Joe Jennings, who died as a result of injuries sustained when the truck he was driving was struck by a truck belonging to the Works Progress Administration on March 10, 1937: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Edith Jennings and the legal guardian of Patsy Ruth Jennings."

ESTATE OF CARL ORR

The Senate proceeded to consider the bill (S. 2802) for the relief of the parents of Carl Orr, which had been reported from the Committee on Claims with amendments, on page 1, line 5, after the word "Treasury", to strike out "appropriated or allocated for the maintenance and operation of the National Youth Administration" and to insert "not otherwise appropriated"; and in line 7, after the words "to the", to strike out "parents" and to insert "legal guardian", and after "Orr" to insert "a minor"; and in line 8, after the words "sum of", to strike out "\$5,000" and to insert "\$3,000"; and at the end of the bill to add a proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the legal guardian of Carl Orr, a minor, of Alma, Okla., the sum of \$3,000 in full settlement of all claims against the United States for damages for injuries sustained by the said Carl Orr when he was severely burned, on the 19th day of January 1937, by a fire which had been started near the Fox Consolidated School, in Carter County, Okla., by National Youth Administration workers and left burning by them: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of the legal guardian of Carl Orr, a minor."

ACME WIRE & IRON WORKS

The bill (H. R. 5104) for the relief of the Acme Wire & Iron Works was considered, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 186) for the relief of Mike Chetkovich was announced as next in order.

Mr. McKELLAR. Mr. President, may we have an explanation of this bill?

Mr. MURRAY. Mr. President, the Senator from Wyoming [Mr. SCHWARTZ] has made a study of this bill and submitted the report. He will be glad to explain it.

Mr. McKELLAR. Let it go over.

Mr. SCHWARTZ. I shall be glad to explain the bill if it is desired. This is a bill for the relief of Mike Chetkovich.

Mr. McKELLAR. Yes.

Mr. SCHWARTZ. In connection with his war-risk insurance.

Mr. McKELLAR. The bill is adversely reported, is it not?

Mr. SCHWARTZ. It is. I can state the history of the case.

Mr. McKELLAR. It is not necessary to do it. Just let it go over.

The PRESIDING OFFICER. The bill will be passed over.

VIRGIL D. ALDEN AND OTHERS

The bill (S. 2739) for the relief of Virgil D. Alden and others was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to receive and settle the claims of Virgil D. Alden, Kenneth B. Aldrich, John Richard Altieri, Nell Marie Berghout, Sarah M. Braden, Allen R. Bradley, Alfred Preston Brown, Earl H. Brown, Edmund M. Burke, C. R. Butcher, Roy C. Clark, Gwynn J. Cohan, Dorothy H. Cohen, Charles E. Darragh, A. B. Dunning, William G. Elliott, Catherine L. Finnegan, J. Wilfrid Fleming, Edward C. Gallagher, Robert P. Green, Jr., Cecil L. Howell, Leo J. Kriz, Virginia Dale Lambert, Edward Linders, Walter R. Lord, William F. Madden, Lester H. Moore, Edgar W. O'Harrow, Joseph Place, Harry T. Poe, Edward L. Price, Martin D. Reilly, Thomas J. Reilly, Jr., Ruth H. Rose, Stephen Hubbell Smith, Wilbur W. Smith, David J. Speck, William H. Tolhurst, Robert J. Weeks, Christopher J. Weldon, Harold C. Williams, Raymond M. Wilson, Shirley Wright, Nelson D. Zimmerman, Clyde S. Adams, Joseph L. Cahill, John Clegg, Lawrence P. Cain, Thomas F. Conboy, William A. Conroyd, C. Gilbert Countiss, Robert D. DeLoney, William B. Edwards, Harry R. Ellenberger, Maxwell Hall Elliott, Jr., Harold Epstein, Grover D. Farnsworth, John Ellis Field, Benjamin H. Fish, Nathan H. Fox, Clem A. Harkey, Edgar W. Hawkins, Paul Kirby Hennessy, Frank A. Hourihan, Charles Louis Jacob, John H. Jenkins, Josiah W. Johnson, J. Gilbert Joyce, Louis D. Kelsey, R. K. Knox, William B. Lamb, Chandler H. Lapsley, Antony Larweth, John S. Lynn, Theodore I. Lundquist, Fred J. Mack, James O. McConnell, Wendell S. Merick, Harry C. Miller, Gladys Moore, Clifton William Perry, Thomas C. Peace, James B. Redpath, Ira R. Robinson, Smith L. Rose, Stephen Samuel Sarrapede, Harrison L. Small, George P. Stowitts, Herman R. Strehl, Harry B. Turner, Jr., Harrison A. Underwood, Alfred John Walker, William G. Walker, George A. West, and Henry E. Wolff for transportation, travel, and subsistence expenses incurred upon their transfer to new headquarters pursuant to orders directing such transfers which were signed for the Federal Emergency Administrator of Public Works, in the temporary absence of said Administrator, with the approval of said Administrator, during the period from September 6, 1935, to May 23, 1936, and the claim of Harlow M. Stafford for transportation, travel, and subsistence expenses incurred upon his transfer to new headquarters pursuant to an order directing such transfer which was signed for the Chairman of the National Resources Committee, in the temporary absence of said Chairman, with the approval of said Chairman, on February 24, 1936. All such claims allowed shall be payable under the appropriation otherwise available for such expenditures for the fiscal year in which the obligation was incurred: *Provided*, That there shall be a sufficient sum available under such appropriation to settle such claims which may be found allowable; otherwise, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, a sufficient sum of money to meet the difference.

Sec. 2. In case there has been heretofore withheld or deducted from any amounts otherwise payable out of Government funds to any person hereinabove named any amount on account of any item paid or allowed for transportation charges in connection with the transfer and assignment hereinabove referred to, the Comptroller General of the United States is authorized and directed to pay, in accordance with the same provisions as outlined in section 1, to such person a sum equal to the amount so withheld or deducted.

SEC. 3. Each person named in section 1 of this act is hereby released from any liability to refund or pay to the Government, or otherwise discharge, any item paid or allowed for transportation charges in connection with the transfer and assignment referred to in such section, and no deductions on account of any such item shall be made from any amount due or payable out of Government funds to any such person.

W. O. WEST

The bill (S. 3130) for the relief of W. O. West, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to W. O. West, Percella, Tex., the sum of \$400. Such sum represents the appraised value, as of March 2, 1937, of an automobile owned by the said W. O. West and stolen from him on February 7, 1937. Such automobile was seized on March 2, 1937, by investigators of the Alcohol Tax Unit, Bureau of Internal Revenue, forfeited to the United States on April 24, 1937, and subsequently delivered to the Department of Agriculture for official use. Through no fault of the said W. O. West, his application for remission of the forfeiture of such automobile was filed after the expiration of the period allowed by law for the filing of such application.

MR. AND MRS. CHESTER A. SMITH

The bill (S. 3227) for the relief of Mr. and Mrs. Chester A. Smith was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$5,000 to Mr. and Mrs. Chester A. Smith, of Englewood, Colo., parents and guardians of Melford Smith, in full settlement of all their claims against the United States on account of the death of their son, Melford Smith, who died as the result of injuries inflicted by a Federal prohibition officer on November 7, 1931: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

JOSEPHINE RUSSELL

The Senate proceeded to consider the bill (S. 1220) for the relief of Josephine Russell, which had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and insert:

That notwithstanding the provisions and limitations of sections 15 and 20, both inclusive, of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, the United States Employees' Compensation Commission be, and the same is hereby, authorized and directed to receive and consider, when filed, the claim of Josephine Russell for disability resulting from complications caused by continual irritation while driving over rough and unsurfaced roads on the Kiowa Reservation in Oklahoma, in 1930 and 1931, when on duty as a field nurse; and for physical overwork affecting her general health while employed as a staff nurse at Pine Ridge, S. Dak., by the Bureau of Indian Affairs, Department of the Interior, and to determine said claim upon its merits under the provisions of said act: *Provided*, That claim hereunder shall be filed within 6 months after the approval of this act: *Provided further*, That no benefits shall accrue prior to May 13, 1936.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BATTLESHIP "OREGON"

The Senate proceeded to consider the bill (S. 3242) to aid in providing a permanent mooring for the battleship *Oregon*, which had been reported from the Committee on Military Affairs with an amendment, on page 1, line 11, to add a proviso, so as to make the bill read:

Be it enacted, etc., That there is hereby authorized to be appropriated the sum of \$25,000, to be expended by the Secretary of War, or, in his discretion, by the State of Oregon under his supervision, for the purposes of (1) preparing and constructing a suitable and permanent mooring for the battleship *Oregon* at a site which has been dedicated for such purpose by the city of Portland, Oreg., and

(2) removing such battleship from her present berth in the Willamette River at Portland, Oreg., to such mooring: *Provided*, That no money appropriated under authority of this act shall be expended until local interests have provided such additional funds as in the opinion of the Secretary of War are necessary to insure completion of the work.

Mr. McKELLAR. Mr. President, I should like to have an explanation of the bill. Otherwise let it go over. It involves a large sum.

Mr. McNARY. The sum is not very large. The purpose of the bill, Mr. President, is to provide a permanent mooring or home for the famous old battleship *Oregon*, which took a conspicuous part in the Spanish-American War.

Mr. McKELLAR. I remember the part it played.

Mr. McNARY. I introduced a bill to provide \$25,000 to give this old battleship a permanent abode, in the nature of a shrine to be visited by those who desired to see the old battleship as a matter of historical interest. The committee provided that \$65,000 should be furnished by the State of Oregon in order to complete the project of \$90,000. I took the matter up with the State officials, and they are willing to agree to provide their share of the money.

Mr. McKELLAR. I remember the *Oregon* very well. It made a celebrated cruise around the world. I have no objection.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ATTENDANCE OF PHILIPPINE ARMY PERSONNEL AT SERVICE SCHOOLS

The Senate proceeded to consider the bill (S. 3629) to authorize attendance of Philippine Army personnel at service schools of the United States Army, which was read, as follows:

Be it enacted, etc., That for a period of 7 years, beginning July 1, 1938, the Secretary of War is authorized to accept for training officers and/or enlisted men of the Philippine Army at such service schools of the Regular Army where enrollment involves direct cost to the Regular Army appropriation: *Provided*, That the number of students enrolled shall not interfere with or impede the training of personnel of the Army of the United States and that the direct costs of such training, to be calculated by the Secretary of War, are reimbursed to the appropriation for the support of the Regular Army by the Philippine Commonwealth.

Mr. KING. Mr. President, I have not read the bill. We have been passing bills so rapidly that it is hard to follow them all. Will the Senator from Texas [Mr. SHEPPARD] explain the purpose of the bill?

Mr. SHEPPARD. The effect of the bill will be to permit a small number of officers and enlisted men in the Philippine Army, during the transition period of the Philippine Commonwealth, to attend the service schools of the United States Army, when such attendance is approved by the Secretary of War and paid for by the Philippine government.

Mr. McKELLAR. How many men will it involve?

Mr. SHEPPARD. A small number.

Mr. McKELLAR. I see no objection to it.

Mr. SHEPPARD. The War Department states that the number of men involved will be small.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ADDITIONAL JUDGES FOR UNITED STATES COURTS

The Senate proceeded to consider the bill (S. 3691) to provide for the appointment of additional judges for certain United States district courts, circuit courts of appeals, and certain courts of the United States for the District of Columbia.

Mr. KING. Mr. President, let that bill go over.

Mr. HATCH. Mr. President, I desire to offer an amendment to that bill.

Mr. KING. Does the Senator desire to take the matter up tonight?

Mr. HATCH. I think the bill is pretty thoroughly understood, and I believe it is unanimously agreed to. Senators present are the ones to say whether or not it shall be taken up.

Mr. BURKE. Mr. President, the bill is a very important one, providing for the appointment of a very large number

of judges. While I am in favor of the bill generally, it seems to me it would take at least an hour or two to discuss the situation of the various districts and circuits. I should not think it at all advisable to take up the matter now on the call of the calendar by unanimous consent.

Mr. WALSH. Mr. President, will the Senators who are objecting permit an amendment to be offered, so that it may be pending when the bill is taken up? Will the Senator from New Mexico offer his amendment?

Mr. HATCH. I offer the following amendments:

On page 2, line 2, after the figure (1), strike out the word "nine" and insert the word "ten."

In line 7, following the words "New York", insert "District of Massachusetts."

In line 15, after the word "Michigan" and the comma, insert "and the first vacancy occurring in the office of district judge for the district of Massachusetts."

I think the amendments I have offered take care of the entire situation.

Mr. LODGE and Mr. WALSH addressed the Chair.

The PRESIDING OFFICER (Mr. CLARK in the chair). Does the Senator from New Mexico yield; and if so, to whom?

Mr. HATCH. I yield to the Senator from Massachusetts.

Mr. WALSH. Mr. President, briefly stated, the amendment provides an additional judge for the Massachusetts district. At present there are three judges there, one of whom is seriously ill and incapacitated from performing any of the duties of his office. The amendment offered by the Senator from New Mexico will provide for the appointment of an additional judge; but when the next vacancy occurs, through resignation or death, there will be no additional appointment. I desire to have the RECORD show that.

Mr. HATCH. That is correct.

Mr. WALSH. The committee is in favor of the amendment, and believes that some such action should be taken.

Mr. CONNALLY. Mr. President, I suggest to the Senator that instead of "the first vacancy" it should be "the next vacancy among the judges now sitting," because otherwise, if a new appointee should die, the district would lose a judge.

Mr. HATCH. I will say to the Senator from Texas that the amendment offered carries the thought he has in mind. It applies to all the judges. The amendment suggested in our committee by the Senator from Texas [Mr. CONNALLY] has been carried out in the bill.

Mr. CONNALLY. The bill covers the case of the circuit judges. But does it apply to the district judges as well?

Mr. HATCH. It applies to the district judges in the same way.

The PRESIDING OFFICER. The amendments will be considered as pending, in the order offered. Without objection, the bill will go over.

Mr. ASHURST. Mr. President, under ordinary circumstances I should agree utterly and readily with the statement of the able Senator from Nebraska. I think it would be asking too much of the Senate, or of any legislative body, to dispose of a matter of this importance under the 5-minute rule. However, I should like to have the RECORD show that the Senate Committee on the Judiciary had this bill before it for considerably more than a year. It was discussed at a dozen different meetings. Then a subcommittee was appointed, and the subcommittee gave most careful consideration to the needs and requirements of the various districts and circuits. Every additional judge provided for in this bill has been favorably recommended either by the Department of Justice or by the judicial council. Many, if not most, of the proposed new judges have been recommended by both the judicial council and the Attorney General. I feel like apologizing for asking the able Senator from Nebraska to consider withdrawing his objection. However, I have learned that another very able Senator would object, so I shall not take up any further time of the Senate.

Mr. BURKE. Mr. President, I do not want to be put in the position of objecting to the early consideration of the

bill. I think it is a very important measure. It proposes to strengthen the Federal judiciary wherever the need is shown for additional judges; but it seems to me, in a matter of such very great importance, involving more than 20 additions to the Federal judiciary, we ought to have an extended statement by the chairman of the Judiciary Committee and the chairman of the subcommittee, so that not only the Senate, but the entire country, may know what the need is. I shall certainly object to having the bill considered at this time.

THE PRESIDING OFFICER. The bill will be passed over at the request of several Senators.

MR. ASHURST. Mr. President, the argument of the Senator from Nebraska [Mr. BURKE] is so overwhelming and so conclusive that I admit the point.

The Senator from Nebraska has contributed to the bill by not consenting to its consideration at this time; and I shall necessarily depend upon his courtesy and kindness in bringing up the bill at a subsequent date, when we may have plenty of time to consider it.

MR. BURKE. At a very early date.

MR. ASHURST. Yes. I may say that the bill has received as careful consideration as any bill which was ever before the committee.

MR. AUSTIN. Mr. President, out of courtesy to the minority, may I be permitted to say that no consideration of partisanship or politics entered into the study of the problem. It was handled as a national problem, from a purely patriotic point of view. So far as I know, no question of partisanship ever entered into the consideration of the bill at any time.

MR. HATCH. Mr. President, I cannot let the statement of the Senator from Vermont pass without adding that what he has said about the nonpartisan consideration which has been given to the measure is due in no small degree to the very splendid attitude adopted at all times by the Senator from Vermont.

THE PRESIDING OFFICER. The bill has been passed over.

EASEMENT TO CITY OF FARGO, N. DAK., OVER UNITED STATES LAND

The Senate proceeded to consider the bill (S. 3081), authorizing the Secretary of Commerce to grant to the city of Fargo, N. Dak., an easement over a certain tract of land owned by the United States, which had been reported from the Committee on Commerce with an amendment, on page 2, line 12, after the word "by", to strike out "Erving G." and insert "Ewing Y."; and the same amendment in line 15, after the word "said", so as to make the bill read:

Be it enacted, etc., That the Secretary of Commerce is authorized and directed to grant to the city of Fargo, N. Dak., a permanent easement authorizing such city to construct and maintain a system of interceptor or trunk sewer lines and water mains under the west 60 feet of a tract of land owned by the United States and located north of such city of Fargo, in Cass County, N. Dak., such tract of land being now used as the site of an airways radio and range station and is more specifically described as follows: Beginning at the northwest corner of the southeast quarter of section 30, township 140 north, range 48 west, fifth principal meridian; thence east 880 feet to a point; thence south 645 feet to a point; thence west 880 feet to a point; thence north 645 feet to the place of beginning, containing in all 13 $\frac{1}{4}$ acres. The easement authorized to be granted by this act shall be in lieu of the license revocable at the will of the Secretary of Commerce, granted to such city by a certain instrument dated December 20, 1934, and executed by Ewing Y. Mitchell, Assistant Secretary of Commerce, as amended by a certain instrument dated March 12, 1935, and executed by the said Ewing Y. Mitchell. Such easement shall be granted subject to such reasonable conditions as the Secretary of Commerce may deem desirable to include in the grant for the purpose of preventing interference with the operation and maintenance of the air-navigation facilities now or hereafter located upon such tract of land.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LEONA DRAEGER

The Senate proceeded to consider the bill (S. 2895) for the relief of Leona Draeger, which had been reported from

the Committee on Claims, with amendments, on page 1, line 5, after the word "Treasury", to strike out "appropriated or allocated for the maintenance and operation of the National Youth Administration" and to insert "not otherwise appropriated"; and in line 7, after the words "sum of", to strike out "\$25,000" and insert "\$1,000, and the sum of \$50 per month, in a total amount of not to exceed \$4,000, such payments to be", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Leona Draeger, the sum of \$1,000, and the sum of \$50 per month, in a total amount of not to exceed \$4,000, such payments to be in full satisfaction of all claims of said Leona Draeger and her three minor children against the United States for damages sustained by them as a result of the death of William F. Draeger, husband of the said Leona Draeger; said William F. Draeger having been struck and killed on May 6, 1937, on Highway No. 29, about 5 miles north of Box Elder, Mont., by an automobile operated by William McMurphy, an employee of the National Youth Administration then engaged in the performance of his duties as such employee: *Provided,* That no part of the amount authorized to be paid in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with such claims. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount authorized to be paid in this act in excess of 10 percent thereof on account of services rendered in connection with such claims, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF AGRICULTURAL ADJUSTMENT ACT OF 1938

The bill (S. 3668) to amend the Agricultural Adjustment Act of 1938 was announced as next in order.

MR. KING. Mr. President, I should like an explanation of this bill. It seems to me it is a very important bill, consisting of a large number of pages. None of us has ever had a chance to read it.

MR. SMITH. Mr. President, the Agricultural Adjustment Act of 1938 was a very complicated piece of legislation, covering the entire United States, and dealing with the major crops and their interdependence. Of course it was a very difficult job. Now that the act is in operation, there are some administrative features which need to be clarified; and it is largely for that purpose that these amendments were sent down. It is very important, in fact it is imperative, that the amendments be acted upon at once. They do not in any way change the bill itself, except in minor particulars; but it is very essential that the amendments be acted upon at once, as planting time is now at hand.

MR. MCKELLAR. Mr. President, are we to understand that the provisions of the amendments are administrative?

MR. SMITH. Almost entirely. In fact, I may say that they are all administrative in their nature. When difficulties occurred in the application of the allotments it was necessary to have certain amendments made.

I have asked the Senator from Alabama [Mr. BANKHEAD], who has collaborated with me in every particular in connection with the measure, to take charge of the amendments. We went over them meticulously; and I think the Senate owes it to the farmers of this country to give them the relief which they and the Agricultural Department are asking. We have granted all sorts of relief in nearly every phase of our economic life and organized society; and now that the farmers are about to get ready to prepare food for us to eat and the raw material out of which our clothes are to be made I think we should give them the consideration to which they are entitled.

I hope the Senate will proceed to pass these amendments and provide the relief that is asked by the Department.

THE PRESIDING OFFICER. Is there objection to the present consideration of the bill?

MR. AUSTIN and **MR. GILLETTE** addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont. Mr. AUSTIN. I object.

The PRESIDING OFFICER. Objection is heard. The bill will be passed over.

Mr. SMITH. Mr. President, of course, under the unanimous-consent agreement of yesterday, if objection is interposed, immediately upon the conclusion of the calendar the bill will become the unfinished business.

The PRESIDING OFFICER. The Chair understands that under the unanimous-consent agreement made on yesterday the bill will come up automatically as the unfinished business at the conclusion of the call of the calendar.

EXTENSION OF LOAN TO OFFICERS OF MEMBER BANKS OF FEDERAL RESERVE SYSTEM

The Senate proceeded to consider the bill (S. 3400) to extend from June 16, 1938, to June 16, 1939, the period within which loans made prior to June 16, 1933, to executive officers of member banks of the Federal Reserve System may be renewed or extended, which was read, as follows:

Be it enacted, etc., That subsection (g) of section 22 of the Federal Reserve Act, as amended (U. S. C., title 12, sec. 375a), is amended by striking out the word "five" in the first sentence of such subsection and inserting in lieu thereof the word "six".

Mr. LA FOLLETTE. Mr. President, I desire to ask the Senator from Virginia [Mr. GLASS] to explain the import of this bill.

Mr. GLASS. Mr. President, this is a bill sent up by the Comptroller of the Currency, and approved by the Secretary of the Treasury, the Directors of the Federal Deposit Insurance Corporation, and all agencies having to do with banking. The Comptroller of the Currency explains that these bank officials have reduced their loans from \$137,230,000 to \$47,846,000; and the bill simply gives them a year longer in which to extinguish their loans.

Mr. LA FOLLETTE. Does the Senator feel that it is important and necessary to make this extension and offer this relief?

Mr. GLASS. I think it very fair and very desirable.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXPERIMENTAL AIR-MAIL SERVICES

The bill (H. R. 7448) to provide for experimental air-mail services to further develop safety, efficiency, and economy, and for other purposes, was announced as next in order.

Mr. KING. Mr. President, I should like an explanation of the bill. It seems to me a rather important one.

Mr. McKELLAR. Mr. President, this is a bill introduced by the Senator from West Virginia [Mr. NEELY]. There are no through air routes in the State of West Virginia. This is a local concern which operates largely in West Virginia, though I think it runs into Ohio and Kentucky to a small extent. It gathers up the mail, and puts the mail on the through routes. It seemed to the committee that the bill was a proper one, and the committee recommended it unanimously, as I recall.

Mr. KING. I have no objection.

Mr. AUSTIN. Mr. President, I am compelled to object to the consideration of the bill at this time. I should like a chance to study it.

The PRESIDING OFFICER. Objection is heard, and the bill will be passed over.

REIMBURSEMENT OF CERTAIN RAILROADS

The bill (S. 3526) to provide for reimbursing certain railroads for sums paid into the Treasury of the United States under an unconstitutional act of Congress was announced as next in order.

Mr. KING. Mr. President, I should like an explanation of the bill.

The PRESIDING OFFICER (Mr. HATCH in the chair). The Senator from Utah asks for an explanation.

Mr. McKELLAR. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

ELIZABETH CORY

The bill (S. 3512) for the relief of Elizabeth Cory was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Elizabeth Cory, of College Park, Md., the sum of \$2,000 in full settlement of her claim against the United States for medical expenses and personal injuries incurred as a result of a collision between the car which she was driving and a United States Army truck bearing Army No. 24101, on April 30, 1937: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

EARLE EMBREY

The Senate proceeded to consider the bill (S. 3189) for the relief of Earle Embrey, which had been reported from the Committee on Claims with amendments, on page 1, line 6, after the word "Indiana", to strike out "the sum of \$3,855.06. The payment of such sum shall be" and insert "such amount not in excess of \$3,855.06 as may be approved by the Secretary of the Treasury, but exclusive of any allowance for profit"; on page 2, line 2, after the word "construction", to strike out "by the said Earle Embrey" and insert "in accordance with contract No. T1pw-4625, dated June 4, 1936"; and in line 4, after the word "amount", to strike out "appropriated in" and insert "allowed by virtue of", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Earle Embrey, general contractor, of New Albany, Ind., such amount not in excess of \$3,855.06 as may be approved by the Secretary of the Treasury, but exclusive of any allowance for profit, in full settlement of all claims against the United States for repairs made by the said Earle Embrey to the new post-office building at Tell City, Ind., as a result of flood damages to such building beginning on January 20, 1937, while such building was under construction in accordance with contract No. T1pw-4625, dated June 4, 1936: *Provided,* That no part of the amount allowed by virtue of this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HUGH RAY

The bill (H. R. 4921) for the relief of Hugh Ray was considered, ordered to a third reading, read the third time, and passed.

ESTATE OF LILLIE LISTON AND MR. AND MRS. B. W. TRENT

The Senate proceeded to consider the bill (S. 3111) for the relief of the estate of Lillie Liston, which had been reported from the Committee on Claims with amendments, on page 1, line 7, after the words "sum of", to strike out "\$8,000" and insert "\$5,435"; on page 2, line 6, after "August 11", to strike out "1937:" and insert "1937."; and after line 6, to insert:

SEC. 2. That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mr. and Mrs. B. W. Trent, of Roswell, N. M., the sum of \$1,600 in full satisfaction of all their claims against the United States for damages resulting from property damage and personal injuries sustained by them when their truck, operated by the said B. W. Trent, was struck by an Indian Service truck operated by Nathan Head, an employee of the Mescalero Apache Indian Agency, at a point on the highway between Alamogordo, N. Mex., and El Paso, Tex., about 6½ miles north of Oro Grande, N. Mex., on August 11, 1937.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Jeff G. Liston, of Roswell, N. Mex., as administrator of the estate of Lillie Liston, late of Roswell, N. Mex., the sum of \$5,435 in full satisfaction of all claims of such estate

against the United States for damages resulting from the death of the said Lillie Liston in a collision between the truck in which she was riding, owned and operated by B. W. Trent, of Roswell, N. Mex., and an Indian Service truck operated by Nathan Head, an employee of the Mescalero Apache Indian Agency, such collision having occurred at a point on the highway between Alamogordo, N. Mex., and El Paso, Tex., about 6½ miles north of Oro Grande, N. Mex., on August 11, 1937.

SEC. 2. That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mr. and Mrs. B. W. Trent, of Roswell, N. Mex., the sum of \$1,600 in full satisfaction of all their claims against the United States for damages resulting from property damage and personal injuries sustained by them when their truck, operated by the said B. W. Trent, was struck by an Indian Service truck operated by Nathan Head, an employee of the Mescalero Apache Indian Agency, at a point on the highway between Alamogordo, N. Mex., and El Paso, Tex., about 6½ miles north of Oro Grande, N. Mex., on August 11, 1937: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with such claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with such claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Mr. McKELLAR. Mr. President, may we have an explanation of this bill from the Senator from New Mexico [Mr. HATCH]?

The PRESIDING OFFICER (Mr. HATCH in the chair). If some Senator will relieve the present occupant of the Chair, he will be glad to make the explanation.

Mr. McKELLAR. The Senator from New Mexico may make the explanation while occupying the chair.

The PRESIDING OFFICER. The bill is recommended by the Department. It has been amended to meet the liability recommended by the Department.

The question is on agreeing to the amendments reported by the committee.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of the estate of Lillie Liston, and Mr. and Mrs. B. W. Trent."

MISSOURI RIVER BRIDGE, RANDOLPH, MO.

The bill (S. 3532) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Randolph, Mo., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of the bridge across the Missouri River at or near Randolph, Mo., authorized to be built by the Kansas City Southern Railway Co., its successors and assigns, by an act of Congress approved May 24, 1928, heretofore extended by acts of Congress approved March 1, 1929, May 14, 1930, February 6, 1931, May 6, 1932, January 19, 1933, April 9, 1934, and April 10, 1936, are hereby further extended 2 and 4 years, respectively, from May 24, 1938.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

PERRY'S VICTORY MEMORIAL COMMISSION

The Senate proceeded to consider the bill (S. 2009) to authorize the payment of certain obligations contracted by the Perry's Victory Memorial Commission, which had been reported from the Committee on Claims with an amendment at the end of the bill to insert a proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Commercial Banking & Trust Co., of Sandusky, Ohio, \$5,240.73; to the Ohio Public Service Co., of Port Clinton, Ohio, \$120; to William Schnoor, of Put In Bay, Ohio, \$1,248.99; to J. C. Feick, of Sandusky, Ohio, \$129; to the Boston Lightning Rod Co., of Boston, Mass., \$135; to Webster P. Huntington, of Mount Sterling, Ky., \$214.61; to Hugh Rodman, of Washington, D. C., \$76.79; to George M. Mason, of Erie, Pa., \$35.15; to Harry E. Davis, of Woonsocket, R. I., \$37.09; to W. J. Moore, of Richmond, Ky., \$60.60; to Richard S. Folsom, of Chicago, Ill., \$77.10; to Charles B. Perry, of Milwaukee, Wis.,

\$82.81; to Jacob Schifferdecker, of Brooklyn, N. Y., \$35.11; to Robert H. Winn, of Mount Sterling, Ky., \$28.42; to Samuel M. Wilson, of Lexington, Ky., \$35; and to John A. Johnston, of Washington, D. C., \$49.06; a total of \$7,605.46, in full settlement of any obligations of the Perry's Victory Memorial Commission to said parties: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OUACHITA NATIONAL BANK, MONROE, LA., AND OTHERS

The bill (S. 3188) for the relief of the Ouachita National Bank of Monroe, La.; the Milner-Fuller, Inc., Monroe, La.; estate of John C. Bass, of Lake Providence, La.; Richard Bell, of Lake Providence, La.; and Mrs. Cluren Surles, of Lake Providence, La., was announced as next in order.

Mr. AUSTIN. Mr. President, this bill is not on my calendar. I should like to have an explanation of it.

The PRESIDING OFFICER. Will some Senator explain the bill?

Mr. McKELLAR. Let it go over. It seems that it is a bill refunding money which was embezzled by a postmaster, and I should like to know something about it.

The PRESIDING OFFICER. The author of the bill and the Senator making the report are not present.

Mr. McKELLAR. Let it go over.

The PRESIDING OFFICER. The bill will be passed over.

FISHERIES OF ALASKA

The bill (H. R. 8982) to amend Public Law No. 282, Seventy-fifth Congress, relative to the fisheries of Alaska was considered, ordered to a third reading, read the third time, and passed.

SALE OF INTOXICANTS TO INDIANS

The Senate proceeded to consider the bill (S. 3166) to amend section 2139 of the Revised Statutes, as amended.

Mr. McKELLAR. Mr. President, will the occupant of the chair explain this bill? I have not an explanation of it here.

The PRESIDING OFFICER. This is a bill which permits persons charged, for the first time, with selling liquor to Indians to be prosecuted by information instead of by indictment. The Senator from Utah [Mr. KING] understands the bill.

Mr. KING. Mr. President, I think the bill is an admirable one. Some persons may think it trespasses a little on the Constitution, but I think it is a valid measure.

The PRESIDING OFFICER. The bill clearly takes care of that situation.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That section 2139 of the Revised Statutes, as amended by the act of July 23, 1892, entitled "An act to amend sections 2139, 2140, and 2141 of the Revised Statutes touching on the sale of intoxicants in the Indian country, and for other purposes," and as amended by the act of January 30, 1897, entitled "An act to prohibit the sale of intoxicating drinks to Indians, providing penalties therefor, and for other purposes," is amended to read as follows:

"SEC. 2139. Any person who shall sell, give away, dispose of, exchange, or barter any malt, spirituous, or vinous liquor, including beer, ale, and wine, or any ardent or other intoxicating liquor of any kind whatsoever, or any essence, extract, bitters, preparation, compound, composition, or any article whatsoever, under any name, label, or brand, which produces intoxication to any Indian to whom an allotment of land has been made while the title to the same shall be held in trust by the Government, or to any Indian who is a ward of the Government under charge of any Indian superintendent of agent, or to any Indian, including mixed bloods, over whom the Government, through its departments, exercises guardianship, and any person who shall introduce or attempt to introduce any malt, spirituous, or vinous liquor, including beer, ale, and wine, or any ardent or intoxicating liquor of any kind whatsoever into the Indian country, which term shall include any Indian allotment while the title to the same shall be held in trust by the Government, or while the same shall remain inalienable by

the allottee without the consent of the United States shall be punished for the first offense by imprisonment for not more than 1 year, and by a fine of not more than \$500, and for the second offense and each offense thereafter by imprisonment for not more than 5 years, and by a fine of not more than \$2,000: *Provided, however*, That the person convicted shall be committed until fine and costs are paid: *And provided further*, That first offenses under this section may be prosecuted by information, but no person convicted of a first offense under this section shall be sentenced to imprisonment in a penitentiary or required to perform hard labor. It shall be a sufficient defense to any charge of introducing or attempting to introduce ardent spirits, ale, beer, wine, or intoxicating liquors into the Indian country that the acts charged were done under authority, in writing, from the War Department or any officer duly authorized thereunto by the War Department. All complaints for the arrest of any person or persons made for violation of any of the provisions of this section shall be made in the county where the offense shall have been committed, or if committed upon or within any reservation not included in any county, then in any county adjoining such reservation; but in all cases such arrests shall be made before any United States court commissioner residing in such adjoining county, or before any magistrate or judicial officer authorized by the laws of the State in which such reservation is located to issue warrants for the arrest and examination of offenders by section 1014 of the Revised Statutes, as amended. And all persons so arrested shall, unless discharged upon examination, be held to answer and stand trial before the court of the United States having jurisdiction of the offense."

Sec. 2. Section 2139 of the Revised Statutes, as amended by this act, shall be deemed to apply to offenses committed subsequent to the date of enactment of this act, and any reference in any other act of Congress to the act of January 30, 1897, insofar as it relates to offenses committed subsequent to the date of enactment of this act, shall be deemed to be a reference to section 2139 of the Revised Statutes, as amended by this act.

Sec. 3. The act entitled "An act to prohibit the sale of intoxicating drinks to Indians, providing penalties therefor, and for other purposes," approved January 30, 1897, is hereby repealed.

JOINT RESOLUTION PASSED OVER

The joint resolution (H. J. Res. 594) directing the Federal Trade Commission to investigate the policies employed by manufacturers in distributing motor vehicles, accessories, and parts, and the policies of dealers in selling motor vehicles at retail, as these policies affect the public interest was announced as next in order.

SEVERAL SENATORS. Let the joint resolution go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

SHOSHONE RECLAMATION PROJECT, WYOMING

The bill (H. R. 3786) providing for the allocation of net revenues of the Shoshone power plant of the Shoshone reclamation project in Wyoming was considered, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. That completes the calendar. CONCESSIONS TO INDIANS ON RESERVOIR SITES AND OTHER LANDS

Mr. THOMAS of Oklahoma. Mr. President, there is lying on the Vice President's desk a Senate bill with some House amendments. I ask that the House amendments be laid before the Senate.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 1945) to authorize the Secretary of the Interior to grant concessions on reservoir sites and other lands in connection with Federal Indian irrigation projects wholly or partly Indian, and to lease the lands in such reserves for agricultural, grazing, and other purposes, which were, on page 1, line 7, after the word "with", to insert "the San Carlos, Fort Hall, Flathead, and Duck Valley or Western Shoshone"; on the same page, line 9, after the word "purposes", to insert "*Provided*, That no lands so leased shall be eligible for benefit payments under the crop-control program, or the Soil Conservation Act"; on the same page, line 9, after the word "*Provided*", to insert "*further*"; on page 2, line 1, to strike out "rules and" and insert "rules"; and on the same page, line 2, to strike out "as he may prescribe" and insert "and laws as govern his administration of the public domain as far as applicable."

Mr. THOMAS of Oklahoma. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

AMENDMENT OF AGRICULTURAL ADJUSTMENT ACT OF 1938

The PRESIDING OFFICER. Under the unanimous-consent agreement, the Chair lays before the Senate Senate bill 3668, to amend the Agricultural Adjustment Act of 1938.

Mr. McNARY. The bill comes up automatically, does it not?

The PRESIDING OFFICER. It comes up by unanimous consent.

The Senate proceeded to consider the bill (S. 3668) to amend the Agricultural Adjustment Act of 1938, which had been reported from the Committee on Agriculture and Forestry with amendments.

Mr. McNARY. Mr. President, I have had but scant opportunity to read the amendments to the Agricultural Adjustment Act embodied in the bill. I tried to do so in breathing spells during the call of the calendar.

I would not permit myself to interfere with the immediate consideration of the amendments, and I think I am pretty well satisfied with the proposal. But on page 10, line 18, referring to section 381, there appears language which I interpret as increasing the benefit payments to those who raised cotton in 1937, by one-quarter of a cent a pound over what was allowed under the A. A. A. Act.

I addressed myself to this subject when the A. A. A. bill was under consideration. I commented on the provision inserted by the conferees authorizing a payment of 3 cents on about five or six million bales of cotton which had been hypothecated, and title to which was later conveyed to the Government, which I think provided for a price level considerably higher than the mortgage level or the value of the crop.

This provision evidently refers to the same hypothecated cotton, consisting approximately of from five to six million bales, on which we are to pay a quarter of a cent a pound in addition to the amount provided in the A. A. A. bill which was recently passed. Is that interpretation correct?

Mr. SMITH. Mr. President, I call the Senator's attention to the fact that under the bill we passed making provision for the orderly marketing of cotton regulations were issued, and I have before me the regulations, and will read a part of them. Where these enormous surpluses have been accumulated a plan had to be devised by which the Government might impound a certain amount of the cotton, or wheat, or corn, in order that the market might be relieved of immediate pressure.

The Department issued a regulation with specific relation to cotton providing that wherever an individual who had a loan desired to sell the cotton to the Government, or turn it over, they would give what they called a selling commission. I will read the language of the rule which has been in operation since it was promulgated.

Mr. McNARY. I am not criticizing; but is not this a matter which can be almost answered "yes" or "no"? In the bill as brought out by the conferees, which was passed, there was a provision—after about five or six million bales had been impounded, and upon which 9 cents a pound had been loaned, which then was a higher figure than the current price level—that we were to advance 2 cents a pound.

Mr. SMITH. That was 2 cents of the subsidy already promised, of 13 cents.

Mr. McNARY. Yes; that is true. I am not criticizing; I am analyzing. That made 11 cents a pound. At the same time we conveyed the title to the cotton, and all carrying charges, including interest, to the Government. I remember I calculated that we were giving 3 cents a pound to the cotton growers because, in addition to paying them 2 cents, the Government assumed the carrying charges. I am not criticizing that. It is ancient history. It is gone. It is forgotten.

I have read the amendment but once, and am trying to read it the second time. Does not this give them one-fourth of a cent in addition to what we have already given?

Mr. SMITH. To all those who take advantage of the opportunity. If they want to turn their cotton over to the

Government, they get this selling commission; but it is wholly optional with them.

Mr. McNARY. The other is, too. The Senator is frank, and will state whether it is not true that the cotton producers who had impounded their cotton for 1937, and agreed to comply with the planting program of 1938, received 3 cents a pound, and is not the payment here proposed an addition of 1 cent a pound to the same cotton producers making the crop of 1937?

Mr. SMITH. A quarter of a cent.

Mr. McNARY. Is not that true?

Mr. SMITH. That is true.

Mr. McNARY. That is what I wanted to know.

Mr. SMITH. For this reason, that there was no incentive whatsoever to turn it over to the Government and aid the orderly marketing program.

Mr. McNARY. I am not seeking to hold it up on that account. I wanted to see if my interpretation was correct. In other words, the proposal is to add a little to what we provided in the bill we passed during the fall.

Mr. SMITH. Yes; but I want to correct the Senator in this respect: The 2 cents was the device I incorporated for this reason, there was already promised a subsidy of 3 cents on all the cotton produced by those who joined in the observance of the Soil Conservation and Domestic Allotment Act. But they were not to pay it until July, and I knew the farmers were in distress and wanted some ready money. The Government had already promised and entered into a contract with them providing that if they would do certain things they would get 3 cents on the cotton that was produced by those who observed the rules and regulations.

To the astonishment of everyone, 19,000,000 bales were made and the amount of money set aside, namely, \$134,000,000, did not seem to be enough to go around, but there was no more, and the Secretary issued a statement that he would pay only for 65 percent of the cotton thus produced, and that it would not be paid for until July.

I offered an amendment to the bill to give the producers 2 cents out of the 3 cents, if the 3 cents should ever be forthcoming, immediately upon their observance of the law. We offered them the 2 cents immediately in case they turned over their loan cotton to the Government. The Attorney General ruled that that was discriminatory; that all of them would be entitled to it, whether or not they had cotton loans.

This specific amendment is a reintroduction of the same thing, except that it restricts it entirely to the loan cotton, and leaves it optional with the farmer as to whether or not he will get it.

Mr. President, I want to amend that so that there will not be the question of a quarter of a cent a pound. At the instance of the Department I offer an amendment, on page 11, line 3, to strike out the following sentence:

Upon completion of such transfer the Corporation shall forthwith pay to such producer a selling commission equal to one-fourth cent per pound of such cotton, and the amount so paid shall come out of funds already provided the Corporation to facilitate the marketing of surplus commodities.

And to insert in lieu thereof the following:

Upon completion of such transfer the Corporation, notwithstanding any other provision of law, is authorized and directed to pay to such producer, out of funds already provided the Corporation, a selling commission equal to \$1.25 per bale of such cotton—

Not so much a pound.

Mr. LODGE. Mr. President, will the Senator yield?

Mr. SMITH. I yield.

Mr. LODGE. Will the Senator tell me whether this bill imposes any additional taxes?

Mr. SMITH. Not a penny. The money is already available.

Mr. GILLETTE. Mr. President, a parliamentary inquiry. Are there committee amendments pending?

The PRESIDING OFFICER. There is pending the amendment offered by the Senator from South Carolina.

Mr. BANKHEAD. There are some committee amendments printed in the bill, which I ask to have acted on first.

The PRESIDING OFFICER. The Senator from Alabama requests that the committee amendments be acted on first. Is there objection? The Chair hears none, and the clerk will state the first amendment of the Committee on Agriculture and Forestry.

The LEGISLATIVE CLERK. On page 5, after line 15, it is proposed to strike out the following:

SEC. 12. Paragraph (2) of section 344 (d) of the Agricultural Adjustment Act of 1938 is hereby amended by striking out "3 percent" and inserting in lieu thereof "10 percent"; and by inserting before the semicolon the following: "and to farms for which the allotment which may be made under other provisions of this subsection would be less than 5 acres for each family on the farm."

And to insert in lieu thereof a new section 12, as follows:

SEC. 12. (a) Section 343 of such act is amended by adding at the end thereof the following new subsection:

"(d) Notwithstanding the provisions of subsections (a) and (b), the national allotment for any year shall be increased by a number of bales equal to the production of the acres allotted under section 344 (c) (3) for such year."

(b) The first sentence of section 344 (a) of such act is amended by striking out "section 343 (c)" and inserting in lieu thereof "sections 343 (c) and 343 (d)."

(c) Section 344 (c) of such act is amended by adding at the end thereof the following new paragraph:

"(3) Not more than 2 percent of the State acreage allotment shall be apportioned, in amounts determined by the Secretary to be fair and reasonable, in counties in the State to farms receiving allotments under subsection (d) which the Secretary determines are inadequate in view of past production of cotton or for any other reason. The acreage required for apportionment under this paragraph shall not reduce the State acreage allotment but shall be in addition to the State acreage allotment."

Mr. WALSH. Mr. President, in view of the fact that there are a great number of amendments in the bill, and also in view of the fact that there appears to be no opposition to the amendments, I suggest that the Senator in charge of the bill ask unanimous consent to have the amendments adopted en bloc, so we may move on to other business.

Mr. BANKHEAD. Mr. President, I make that request.

The PRESIDING OFFICER. The Senator from Alabama requests the adoption of the committee amendments en bloc.

Mr. WALSH. I understand there is no objection to the committee amendments.

Mr. AUSTIN. I object. I want to have at least a chance to read them. This is a subject concerning which a great deal of interest and debate are aroused, and I observe by just glancing at the bill that it deals with the controversial elements in which the Senator from Vermont was interested when the original farm bill was considered. I do not ask to delay the bill beyond the time necessary to read the amendments.

Mr. WALSH. I withdraw my suggestion. The only reason for it was so we could expedite matters and prevent some Senators from waiting longer than necessary.

Mr. BANKHEAD. I appreciate the Senator's suggestion.

The PRESIDING OFFICER. The question is on agreeing to the first committee amendment on page 5, after line 15.

Mr. MILLER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MILLER. I understood after conferring with the Senator from Alabama that he had a complete substitute for the first committee amendment.

Mr. BANKHEAD. That is correct.

Mr. MILLER. The Senators' substitute amendment should be acted upon at this time.

The PRESIDING OFFICER. Does the Senator from Alabama desire to offer the substitute at this time?

Mr. BANKHEAD. I desire to offer a substitute for section 12, being the committee amendment beginning in line 23, on page 5.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. In the committee amendment, on page 5, line 23, it is proposed to strike out section 12 (a) and to insert in lieu thereof the following:

Section 343 of the Agricultural Adjustment Act of 1938 is amended by adding at the end of subsection (c) the following: "and by a number of bales equal to the production of the acreage required to provide for each State in addition to the State acreage allotment an acreage not in excess of 4 percent of the State acreage allotment which shall be apportioned in amounts which the Secretary determines to be fair and reasonable to farms in the State receiving allotments under the Agricultural Adjustment Act of 1938, which the Secretary determines are inadequate in view of the past production of cotton."

The PRESIDING OFFICER. The question is on agreeing to the amendment in the nature of a substitute offered by the Senator from Alabama to the committee amendment on page 5, beginning with line 23.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the committee was, in section 13, on page 6, line 24, after "sugar" and the semicolon, to insert "and by inserting after the expression 'rice for market or' the expression 'wheat or rice'", so as to make the section read:

SEC. 13. Paragraph (3) of section 344 (d) of the Agricultural Adjustment Act of 1938 is hereby amended by inserting after "excluding from such acreage the acres devoted to the production of" the following: "sugarcane for sugar,"; and by inserting after the expression "rice for market or" the expression "wheat or rice".

The amendment was agreed to.

The next amendment of the committee was, in section 14, page 7, line 9, after the words "less than the", to strike out "sum of the values" and to insert "value"; in line 10, after the word "tobacco", to strike out the comma and "peanuts, and potatoes", so as to make the section read:

SEC. 14. Section 344 of the Agricultural Adjustment Act of 1938 is hereby amended by adding the following new subsection:

"(g) Notwithstanding the provisions of subsection (d) of this section, in any county for which the county cotton acreage allotment is less than 15 percent of the land in the county which is tilled annually or in regular rotation or in which the value of the cotton produced in the latest year for which census data are available is less than the value of the tobacco produced in such year computed on the basis of the State average price of the commodity in such year, the cotton acreage allotments to individual farms shall be made on the basis of the following: The average acreage planted to cotton during the 3 preceding calendar years plus the acreage diverted from the production of cotton under the agricultural adjustment or conservation program during such years making due allowance for abnormal weather conditions; land, labor, and equipment available for the production of cotton; crop-rotation practices; and the soil and other physical facilities affecting the production of cotton."

The amendment was agreed to.

The next amendment of the committee was, on page 8, after line 2, to strike out section 16, as follows:

SEC. 16. Section 364 of the Agricultural Adjustment Act of 1938 is hereby amended by inserting the subsection designation "(a)" after the section number and by adding the following new subsection:

"(b) For the purposes of any hearing before any review committee under this part, the provisions of section 9 of the Federal Trade Commission Act, approved September 26, 1914 (38 Stat. 723; 15 U. S. C. 49), are hereby made applicable to the jurisdiction, powers, and duties of the Secretary and of such review committee and to any person, whether or not a corporation. The Secretary is authorized to make regulations governing the application by the review committee of such provisions."

The amendment was agreed to.

The next amendment was, on page 8, line 16, after "Sec.", to strike out "17" and insert "16."

The amendment was agreed to.

The next amendment was on page 9, after line 5, to insert a new section, as follows:

SEC. 17. Section 372 of the Agricultural Adjustment Act of 1938 is amended by adding at the end thereof the following new subsection:

"(d) No penalty shall be collected under this act with respect to the marketing of any agricultural commodity grown for experimental purposes only by any publicly owned agricultural experiment station."

The amendment was agreed to.

The next amendment was, on page 10, after line 13, to insert a new section, as follows:

SEC. 19. Section 381 (b) of the Agricultural Adjustment Act of 1938 is amended by striking out the date of "July 1, 1938" in the first sentence and inserting in lieu thereof the following: "July 31, 1939."

Section 381 (b) of the Agricultural Adjustment Act of 1938 is hereby amended by striking out the second sentence reading as follows: "The Corporation shall notify the Secretary of Agriculture of each such transfer and upon receipt of such notice, the Secretary shall as soon as compliance is shown, or a national marketing quota for cotton is put into effect, forthwith pay to such producer a sum equal to 2 cents per pound of such cotton, and the amount so paid shall be deducted from any price adjustment payment to which such producer is entitled," and inserting in lieu thereof the following: "Upon completion of such transfer, the Corporation shall forthwith pay to such producer a selling commission equal to one-fourth cent per pound of such cotton, and the amount so paid shall come out of funds already provided the Corporation to facilitate the marketing of surplus commodities."

Mr. SMITH. Mr. President, right at that point the amendment I introduced should be placed in the bill, and I ask that it be agreed to.

The PRESIDING OFFICER. The amendment of the Senator from South Carolina to the committee amendment will be stated.

The LEGISLATIVE CLERK. On page 11, line 3, it is proposed to strike out in the committee amendment the following sentence:

Upon completion of such transfer the Corporation shall forthwith pay to such producer a selling commission equal to one-fourth cent per pound of such cotton, and the amount so paid shall come out of funds already provided the Corporation to facilitate the marketing of surplus commodities.

And to insert in lieu thereof the following:

Upon completion of such transfer the Corporation, notwithstanding any other provision of law, is authorized and directed to pay to such producer, out of funds already provided the Corporation, a selling commission equal to one dollar and a quarter (\$1.25) per bale of such cotton.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from South Carolina to the committee amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendments were, on page 11, line 9, to change the section number from "19" to "20"; in line 13, to change the section number from "20" to "21", and in line 16, to change the section number from "21" to "22."

The amendments were agreed to.

Mr. BANKHEAD. Mr. President, I send to the desk two clarifying amendments which I ask to have stated.

The PRESIDING OFFICER. The clerk will read the first amendment offered by the Senator from Alabama.

The LEGISLATIVE CLERK. On page 7, line 15, it is proposed to strike out "three" and to insert "two."

The amendment was agreed to.

The LEGISLATIVE CLERK. On page 7, line 13, after the word "farm", it is proposed to strike out "shall" and to insert in lieu thereof "may."

The amendment was agreed to.

Mr. MILLER. Mr. President, I offer an amendment which I ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 7, after line 21, it is proposed to add the following:

(h) In order to effectuate the declared policy the Secretary may provide that adjacent or nearby farm land, operated as a unit or as part of the same unit and regarded in the community as constituting one farm, shall, in accordance with regulations issued by the Secretary, be regarded as one farm in the apportionment of the county allotment among the farms within the county.

Mr. BANKHEAD. We have no objection to the adoption of that amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas.

The amendment was agreed to.

Mr. GEORGE. Mr. President, on behalf of the senior Senator from Florida [Mr. ANDREWS] and myself, I offer an

amendment to come at the end of the bill, and ask to have it stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Georgia will be stated.

The LEGISLATIVE CLERK. On page 11, after line 19, it is proposed to insert:

SEC. 24. Sections 312 and 313 of the Agricultural Adjustment Act of 1938 are amended by adding at the end of said sections the following:

"In case of flue-cured tobacco, the national quota for 1938 is increased by a number of pounds required to provide for each State in addition to the State poundage allotment a poundage not in excess of 4 percent of the allotment which shall be apportioned in amounts which the Secretary determines to be fair and reasonable to farms in the State receiving allotments under the Agricultural Adjustment Act of 1938 which the Secretary determines are inadequate in view of past production of tobacco."

Mr. GEORGE. Mr. President, I desire to say that the amendment which I have offered is identical with the amendment already adopted with respect to cotton, and is applicable only to flue-cured tobacco. It affects no other type of tobacco.

Mr. BANKHEAD. I am willing to accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Georgia.

The amendment was agreed to.

Mr. GILLETTE. Mr. President, on behalf of the junior Senator from Indiana [Mr. MINTON] and myself, I offer an amendment to which I understand there is no objection. I ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 11, after line 19, it is proposed to insert:

SEC. 23. Section 301, subsection (b), definition (6), (A), is amended by striking out the period, adding a comma, and the following: "but does include the amount of wheat fed to livestock in excess of the amount normally fed to livestock."

Mr. BANKHEAD. The amendment is agreeable to me.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Iowa in behalf of himself and the Senator from Indiana [Mr. MINTON].

The amendment was agreed to.

Mr. AUSTIN. Mr. President, I rise to interrogate any Senator who can explain the meaning of paragraph 6 in section 3, which begins on page 2. Let me explain the point of my inquiry.

The first sentence in that paragraph provides that the 10 years next preceding the calendar year in which the yield is determined shall be used as the basis for an average in order to determine the normal yield per acre. If, for any reason, there has been no actual yield in any one of those 10 years, what occurs? Does the Secretary of Agriculture go back 20 years? In other words, I desire to know the meaning of the sentence on page 3, beginning in line 2, which reads:

If for any reason there is no actual yield, or the data therefor are not available for any year, then the normal yield for the farm shall be appraised in accordance with regulations of the Secretary, taking into consideration abnormal weather conditions and the yield in years for which data are available.

Does that go back 20 years, or 30 years? How far back does it go? What does it mean?

Mr. BANKHEAD. Mr. President, does the Senator desire to have me explain the provision now?

Mr. AUSTIN. Yes.

Mr. BANKHEAD. The section of the bill referred to is an arrangement for ascertaining the average yield over a period of 10 years for certain purposes. The provision relates to corn and wheat. There may have been years on the farm when, for numerous reasons, there was no actual yield. There may have been a drought which absolutely prevented a yield for a certain year. There may have been an abandonment of cultivation upon the farm for even more than 1 year during the 10-year period. There may have been illness in the family, resulting in inability to produce a crop.

In other words, there are many reasons why, during an entire 10-year period, a crop of wheat or of corn may not actually have been produced on a farm. If by reason of changes in ownership, or by reason of the death of the proprietors of such farms, the data are not available and therefore cannot be furnished with accuracy, the bill provides for the protection of such cases, and avoids a lower average by reason of counting only eight crops for 10 years, and for the deduction of the one or more years during that period for which the Administration is unable to obtain satisfactory data.

Mr. AUSTIN. I have no doubt the Senator from Alabama thinks he has answered my question.

Mr. BANKHEAD. I had supposed so. Perhaps I did not understand the question.

Mr. AUSTIN. I may be deficient in understanding. May I ask the Senator from Alabama a direct question?

Mr. BANKHEAD. Certainly. I shall be happy to furnish any information I can.

Mr. AUSTIN. If there should be no yield in any year during the 10 years preceding the point of time under consideration, what years would the Secretary of Agriculture consider in determining the normal yield per acre?

Mr. BANKHEAD. If the Senator will read the entire section I think the matter will be perfectly clear. If the data are not available, then an appraisal of the normal yield is made in accordance with regulations of the Secretary. In other words, the known productivity per acre of adjoining and similarly situated land in productive farms is taken into consideration, together with other ascertainable information, in order to appraise the productivity and probable yield of the farm in question. I think it is a stretch of the imagination to assume that there would have been no production at all on the farm in the previous 10 years.

Mr. SMITH. Mr. President, may I ask the Senator from Vermont a question?

Mr. AUSTIN. In a moment. My question related to what years would be taken into consideration; and the word "year" or "years" was not mentioned in the answer. I cannot interpret anything said by the Senator from Alabama as responsive to my question. I was trying to ascertain what years would be considered by the Secretary.

Mr. SMITH. Mr. President, may I attempt to answer the question?

Mr. AUSTIN. I now ask the Senator from South Carolina the same question.

Mr. SMITH. I think the Senator from Vermont will agree that if any farm had not produced anything in 10 years, it would be abandoned, and there would be no allotment at all. The object of the provision in the bill was to take 10 years as the basis for calculating the average yield, subject to the ordinary accidents of weather, and so forth. If there were 1 or 2 years when there was no production, the average of the remaining years would be substituted for those in which there was no production. But it is not thinkable that a farm would produce nothing for 10 years. Such a farm would be abandoned, and the farmer would be either dead and gone or in bankruptcy.

Mr. AUSTIN. Mr. President, I think the Senator assumes more than was contained in my question. I take it the bill has a meaning with relation to certain crops.

Mr. SMITH. I think we are dealing with corn.

Mr. AUSTIN. The paragraph under discussion is limited to wheat and corn.

Mr. SMITH. Yes.

Mr. AUSTIN. I do not think it is absurd to assume that there may be a farm on which no acreage has been devoted to corn for 10 years.

Mr. SMITH. Then it does not come in the category with which we are dealing.

Mr. AUSTIN. That is exactly the answer I want to have, because I think provision is made by the second sentence of this paragraph for a farm that is not entitled to be brought under that benefit. The bill says:

If for any reason there is no actual yield—

Then the farmer may be given the benefit just the same by letting the Secretary of Agriculture appraise on this vague basis—no basis at all, as I see the matter. The provision is:

If for any reason there is no actual yield, or the data therefor are not available for any year, then the normal yield for the farm shall be appraised in accordance with regulations of the Secretary, taking into consideration abnormal weather conditions and the yield in years for which data are available.

I think the Senator from South Carolina has assumed a case in which there will be no data at all. I asked first what year would be considered. Are we going back 20 years? The Senator from Alabama does not say. The Senator from South Carolina says, "No; we are going back only 10 years, and we are going to take only those years in which corn was produced, and we are going to average them up. We are going to take into account abnormal weather conditions and such things, and thereby we are going to ascertain an average per acre for the 10 years next preceding the time under consideration." If that is so, let us strike out the very broad and vague general authority to the Secretary of Agriculture contained in lines 2 to 7 on page 3.

Mr. MCGILL. Mr. President, will the Senator from Vermont yield?

Mr. AUSTIN. Yes.

Mr. MCGILL. If we should amend the language in line 3 by adding the word "such" after the word "any", between the words "any" and "year", so as to read:

If for any reason there is no actual yield, or the data therefor are not available for any such year—

Or "for any one of the years"—that is what I have in mind, one or more—would that remedy the situation?

Mr. AUSTIN. Not quite. Let me ask the Senator from Kansas a question. I assume from his inquiry that he believes that the second sentence does refer to the 10 years mentioned in the first sentence.

Mr. MCGILL. I think it was so intended.

Mr. AUSTIN. All right. If that is so, why not make the reference cover both the subject of no actual yield and the other subject of no data, by putting the reference preceding both of those?

Mr. BANKHEAD. What is the Senator's suggestion?

Mr. AUSTIN. That is to say, "If for the preceding 10 years there is no actual yield, or the data therefor are not available," and so-and-so.

Mr. MCGILL. I would agree to that. I will say to the Senator that the reason for this language largely was that in certain areas of the country there were drought conditions of such severity that there were no yields on farms which ordinarily had been productive of wheat and corn. Also, because of floods destroying the crops, there were sections of the country in which there were no yields from such farms.

I am perfectly willing, so far as I am concerned, to accept the language suggested by the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont offers an amendment which will be stated.

Mr. AUSTIN. On page 3, line 2, after the word "If", I move to insert "during such 10 years, or for any year thereof", and to strike out the words "for any reason", so that the sentence then would read in the way which I ask to have stated from the desk.

The PRESIDING OFFICER. The amendment offered by the Senator from Vermont will be stated.

The LEGISLATIVE CLERK. On page 3, line 2, it is proposed to strike out "for any reason", and after the word "If", to insert the words "during such 10 years, or for any year thereof", so that, if amended, the sentence will read:

If during such 10 years, or for any year thereof, there is no actual yield, etc.

Mr. AUSTIN. "There is no actual yield, or the data therefor are not available"; then strike out the words "for any year."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Vermont.

The amendment was agreed to.

Mr. AUSTIN. Mr. President, I desire to ask one further question before we close this incident. I should like an explanation of the definition of normal yield of corn and other things found on page 4.

Mr. BANKHEAD. Mr. President, there is a definition in the original act which makes normal yield the average yield for the previous 10 years of corn and wheat. That is already defined in the act, in the definitions.

Mr. AUSTIN. Does the provision "(E)" on page 4 agree with the provision as it is now written on page 2?

On page 2 the bill provides for the determination of the normal yield per acre for any farm. On page 4 the bill provides for the determination of the normal yield for any farm in the case of corn, wheat, and also cotton; but it says that it shall be—

The average yield per acre of corn, wheat, or cotton, as the case may be, for the farm, adjusted for abnormal weather conditions, and, in the case of corn and wheat, but not in the case of cotton, for trends in yields, during the 10 calendar years in the case of corn and wheat, and 5 calendar years in the case of cotton, immediately preceding the year with respect to which such normal yield is used in any computation authorized under this title.

Does the Senator understand that that exactly corresponds to the provision in subsection (6) of section 3 on page 2?

Mr. BANKHEAD. I think it does.

Mr. President, I now move that the Committee on Agriculture and Forestry be discharged from the further consideration of House bill 9915, and that it be taken up for consideration at this time.

The PRESIDING OFFICER. The question is on the motion of the Senator from Alabama.

The motion was agreed to; and the Senate proceeded to consider the bill (H. R. 9915) to amend the Agricultural Adjustment Act of 1938, and for other purposes.

Mr. BANKHEAD. I move to strike out all after the enacting clause of the House bill, and to substitute therefor the text of the Senate bill, as amended.

The PRESIDING OFFICER. The question is on the motion of the Senator from Alabama.

The motion was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H. R. 9915) as amended was read the third time and passed.

Mr. BANKHEAD. I move that the Senate insist upon its amendment to House bill 9915 and ask for a conference with the House on the amendment of the Senate thereto, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. SMITH, Mr. BANKHEAD, and Mr. FRAZIER conferees on the part of the Senate.

Mr. BANKHEAD. I move to postpone indefinitely Senate Bill 3668.

The motion was agreed to.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF COMMITTEES

Mr. WALSH, from the Committee on Naval Affairs, reported favorably the nomination of Capt. William F. Halsey, Jr., to be a rear admiral in the Navy, with rank from the 1st day of March 1938.

He also, from the same committee, reported favorably the nominations of sundry officers for promotion in the Navy.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

The PRESIDING OFFICER (Mr. HATCH in the chair). The reports will be placed on the Executive Calendar.

If there be no further reports of committees, the calendar is in order, and the clerk will state the nominations in their order with the exception of the one passed over.

DIRECTOR OF THE MINT

The legislative clerk read the nomination of Nellie Tayloe Ross, of Wyoming, to be Director of the Mint.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. O'MAHONEY. Mr. President, as a recognition of the exceptional ability and accomplishments of Governor Ross in the administration of the Mint, I move that the President be immediately notified of the confirmation of the nomination.

Mr. CLARK. Mr. President, I should like to have the privilege of joining in the request.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Wyoming.

The motion was agreed to.

CUSTOMS SERVICE—STEPHEN M. DRISCOLL

The legislative clerk read the nomination of Stephen M. Driscoll, of St. Albans, Vt., to be collector of customs for district No. 2.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. AUSTIN. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination of Stephen M. Driscoll, of St. Albans, Vt.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the President will be immediately notified.

The legislative clerk proceeded to read sundry nominations in the Customs Service.

Mr. BARKLEY. Mr. President, I ask unanimous consent that the other nominations in the Customs Service be confirmed en bloc.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the nominations are confirmed en bloc.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I ask unanimous consent that the nominations of postmasters be confirmed en bloc.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the nominations of postmasters are confirmed en bloc.

IN THE ARMY

The legislative clerk proceeded to read sundry nominations in the Army.

Mr. SHEPPARD. I ask that the Army nominations be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations in the Army are confirmed en bloc.

RECESS TO MONDAY

The Senate resumed legislative session.

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 5 o'clock and 50 minutes p. m.) the Senate took a recess until Monday, March 28, 1938, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 25 (legislative day of January 5), 1938

DIRECTOR OF THE MINT

Nellie Tayloe Ross to be Director of the Mint.

COLLECTORS OF CUSTOMS

Stephen M. Driscoll to be collector of customs for customs collection district No. 2, with headquarters at St. Albans, Vt.

Joseph McGrath to be collector of customs for customs collection district No. 4, with headquarters at Boston, Mass.

Judge Fred Fisk to be collector of customs for customs collection district No. 29, with headquarters at Portland, Oreg.

Raymond Miller to be collector of customs for customs collection district No. 47, with headquarters at Denver, Colo.

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COMPTROLLER OF CUSTOMS

Charles I. Lafferty to be comptroller of customs in customs collection district No. 11, with headquarters at Philadelphia, Pa.

APPOINTMENT IN THE REGULAR ARMY

Maj. Thomas Dodson Stamps, Corps of Engineers, to be professor of civil and military engineering, United States Military Academy.

APPOINTMENT, BY TRANSFER, IN THE REGULAR ARMY

Capt. Thomas Martin Tiernan to Finance Department.
First Lt. John Archibald Barclay, Jr., to Ordnance Department.

PROMOTIONS IN THE REGULAR ARMY

Hardin Cleveland Sweeney to be lieutenant colonel, Infantry.

Francis Irwin Maslin to be major, Quartermaster Corps.
William Bertram Meister to be colonel, Medical Corps.

Leeson Oren Tarleton to be colonel, Medical Corps.
William Donaldson Fleming to be lieutenant colonel, Medical Corps.

Samuel Demetrius Avery to be lieutenant colonel, Medical Corps.

William Robert Lewis Reinhardt to be lieutenant colonel, Medical Corps.

Howard Moore Williamson to be lieutenant colonel, Medical Corps.

Francis Joseph Clune to be lieutenant colonel, Medical Corps.

George Edward Lindow to be lieutenant colonel, Medical Corps.

Jaime Julian Figueras to be lieutenant colonel, Medical Corps.

Stuart Gross Smith to be major, Medical Corps.

Lester Maris Dyke to be major, Medical Corps.

Charles Joseph Farinacci to be captain, Medical Corps.

Gladen Robert Hamilton to be captain, Medical Corps.

William Elder Sankey to be lieutenant colonel, Dental Corps.

Herbert Kelly Moore to be lieutenant colonel, Veterinary Corps.

John Howard Rust, 3d, to be captain, Veterinary Corps.

Harry Dubois Southard to be chaplain with the rank of lieutenant colonel, United States Army.

POSTMASTERS

ALABAMA

W. Cooper Green, Birmingham.

John P. McGee, Carrollton.

Willard D. Leake, Jasper.

Samuel D. Wren, Red Bay.

ARKANSAS

William Edgar Bradley, Alma.

John R. Harkness, Belleville.

Tom Morris, Jr., Berryville.

Herbert A. Whitley, Bradford.

Robert D. Reagan, Danville.

Will H. Wardlaw, De Queen.

William M. McQueen, Des Arc.

Bess M. Nobles, Dierks.

Allan M. Wilson, Fayetteville.

Walter R. Dunn, Foreman.

Halton B. Stewart, Greenwood.

Earl E. Sterling, Mammoth Spring.

Robert Roy Millwee, Nashville.

Jonathan A. Horton, North Little Rock.

James H. Nobles, Parkdale.

Myrt Walrond, Pocahontas.

Isaac H. Steed, Star City.

Jo Etta Peel, State Sanatorium.

Mabel E. Whaley, Sulphur Springs.

Don N. Matthews, Yellville.

FLORIDA

Anna W. Lewis, Everglades.

Warren J. Armstrong, Niceville.

Burdett Loomis, Jr., Pierce.

GEORGIA

Ruth D. McClure, Acworth.
 Levi P. Grainger, Blackshear.
 John W. McCallum, Broxton.
 Lewis L. Wolfe, Brunswick.
 Leighton W. McPherson, Columbus.
 Osep N. Ruben, Davisboro.
 Wylie West, Decatur.
 Lawrence J. McPhaul, Doerun.
 Alvin W. Etheridge, East Point.
 Stanley L. Morgan, Fayetteville.
 Arley D. Finley, Hazlehurst.
 Charles Clements, La Fayette.
 Pearle H. Girardeau, McRae.
 B. Clayton Blanton, Thomasville.
 Roy Thrasher, Tifton.
 Cameron U. Young, Valdosta.
 Lewis R. Powell, Villa Rica.
 Aron Otis Johnson, Waycross.
 Arthur E. Horn, White Hall.
 Henry B. McCoy, Woodbury.

IOWA

John Miller, Paton.
 Lewis E. Mease, Truro.

KANSAS

Arley M. Kistler, Leon.
 Walter R. Ives, Mount Hope.
 George E. Smyser, Mulvane.
 Amos A. Belsley, Wellington.

KENTUCKY

Sara G. Friel, Ashland.
 Virginia C. Reynolds, Carlisle.
 Walter McKenzie, Eubank.
 John S. Hollan, Jackson.
 Robert L. Case, Mount Olivet.
 Ollie M. Lyon, Olive Hill.
 Fred Acker, Paducah.
 Lula Sharp, Sharpsburg.

MAINE

Marjory D. Woolley, Bridgton.
 George W. Leonard, Brunswick.
 Eddie J. Roderick, Rumford.
 Allie D. Richards, Strong.

MASSACHUSETTS

Eva Fitzpatrick, Allerton.
 Matthew D. E. Tower, Becket.
 Clarence R. Halloran, Framingham.
 Mildred D. O'Neil, Hyannis Port.
 John R. Parker, Rockland.
 Harriet A. Goggin, Seekonk.
 Mary E. Joseph, Truro.
 Charles E. Cook, Uxbridge.
 Roger W. Cahoon, Jr., West Harwich.

NEBRASKA

Glen B. Hill, Arapahoe.

HOUSE OF REPRESENTATIVES

FRIDAY, MARCH 25, 1938

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Gracious Father in Heaven, we praise Thee that Thou art the peace that dwells in the shades of night and the radiance and hope of a new day. The call of duty is with us; grant that to labor manfully and wisely may be in our sincere thoughts. By patience and courage help us to conquer hardship, and keep us full of faith in Thee and in ourselves. Thou who dost note the sparrow's fall and dost guide the fowl through the pathless sky, sustain us with calm assurance.

Help us to rest in the promise that all things work for good to them that love Thee and walk in Thy ways. Heavenly Father, let us not be in haste to consider difficult tasks as useless; let us not grow weary in well-doing. Bless us, we pray Thee, with that grace that shall enable us to deal justly and love mercy and maintain any faltering steps. In the blessed name of Jesus. Amen.

The Journal of the proceedings of yesterday was read and approved.

PERMISSION TO ADDRESS THE HOUSE

Mr. SNELL. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SNELL. Mr. Speaker, may I call the attention of the Members of the House and the country to a statement that was carried in the press this morning which in my judgment perfectly typifies the knowledge and attention this administration is giving to the financial affairs of the Government? The statement was carried by the Associated Press and was supposedly given out by the Secretary of the Treasury.

He admits in his statement given out to the country a few days ago as to the amount of income taxes that would be paid on March 15 was based on minor employees of the Department going around and kicking the mail bags in the office. On the hardness of the kick depended the amount of money in the bag, and on this kind of information he gave an official statement as the Secretary of the Treasury.

Is there any wonder, when the highest financial officer of the Federal Government makes a statement of that kind, and based on that character of information, that the people of this country have no confidence or belief in any financial statement that comes from this administration?

[Here the gavel fell.]

Mr. GRAY of Indiana. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes.

Mr. RAYBURN rose.

Mr. GRAY of Indiana. Mr. Speaker, I hope the gentleman will not object. I want to draw a distinction between the majority leader and the minority leader, and I hope the gentleman will not object. I would like to speak in the House and not in the Committee of the Whole.

The SPEAKER. The gentleman from Indiana [Mr. GRAY] asks unanimous consent to address the House for 5 minutes. Is there objection?

Mr. JARRETT. Mr. Speaker, reserving the right to object, I ask unanimous consent that the gentleman from Indiana [Mr. GRAY] may address the House for 10 minutes.

Mr. RAYBURN. Mr. Speaker, reserving the right to object, for the reasons I have heretofore explained, which reasons appear in the RECORD, and I have explained the situation to the gentleman from Indiana, I must object so that I will not violate a pledge I have previously made.

Mr. GRAY of Indiana. Mr. Speaker, before the gentleman completes his objection, let me tell him what I am trying to do. I realize that in the rush of the closing hours I will not get any time. I am trying to get time outside of the House and relieve you of embarrassment.

Mr. RAYBURN. I may say to the gentleman, I am certain that the gentleman from Pennsylvania [Mr. SNYDER] will yield the gentleman from Indiana 5 minutes during the day, or even 10 minutes.

Mr. GRAY of Indiana. I do not want to be yielded time during the day. If I am yielded anything, I want the time yielded now. I have not got the time to stay here and I want some time.

Mr. RAYBURN. The gentleman from Indiana knows I am not going to violate a pledge which I have heretofore made to this House.

Mr. GRAY of Indiana. Will you ask the gentleman to give me recognition immediately?

The SPEAKER. Is there objection to the request of the gentleman from Indiana [Mr. GRAY]?

Mr. RAYBURN. Mr. Speaker, I object.

EXTENSION OF REMARKS

Mr. DIES asked and was given permission to extend his own remarks in the RECORD.

MILITARY ESTABLISHMENT APPROPRIATION BILL, 1939

Mr. STARNES. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 9995) making appropriations for the Military Establishment for the fiscal year ending June 30, 1939, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of H. R. 9995, with Mr. LUTHER A. JOHNSON in the chair.

The Clerk read the title of the bill.

Mr. TERRY. Mr. Chairman, I yield the gentleman from Indiana [Mr. GRAY] 7 minutes.

NOTICE OF RADIO ADDRESSES ON THE 1937 DEPRESSION

Mr. GRAY of Indiana. Mr. Chairman, it is the history of the closing days of the last session of every Congress that the legislative congestion brought on by the hurried consideration of partly or unfinished bills and resolutions preclude, under the rules of the House, proper time for any one certain measure.

For the want of such adequate and proper time and the opportunity to speak at length upon special subjects of legislation which I deem most vital and imperative, I have arranged a series of radio addresses to reach Members in their homes and hotels after adjournment for the day.

This does not mean that I am waiving any of my rights to speak in order on this or other legislative problems. But this is to make additional time available which otherwise I would not be afforded by reason of such overcrowded calendars, of pending bills and unfinished business.

Beginning with next Saturday, tomorrow evening, March 26, at 9 o'clock, eastern standard time, I will speak to the Members of Congress over WOL radio station, Washington, and every Saturday evening at the same time on the cause of this 1937 depression and the remedy, and I invite all Members to hear my remarks.

This first address will be directed preliminary and to the general subject, The Invention and Use of Money, and will be followed with The World Panic or Depression, and an explanation of inflation and other phases of the problem to conclusion.

This Congress was called by the people to meet the emergency of the 1929 panic, and the failure of Hoover and his Congress to restore normal, industrial conditions, and this Congress, in accepting the call, assumed the obligations and the responsibility for prosperity, and we have no right to recess or adjourn until we have fulfilled this promise to the people.

I did not come here or gain my seat on false pretenses or insincere promises which I did not expect in fact to fulfill. I propose to vindicate my obligations to remedy the cause of this depression or fail in my efforts trying for want of cooperation in Congress.

I propose to explain the cause and the precise currency operations which brought this 1937 depression, and prescribe the remedy to be applied specifying in detail the steps to be taken. I propose to tell you what to do and show you how to do it.

This administration and Congress was swept into office and power on the failure of the Hoover Congress to relieve from the 1929 depression and on the promise and pledge to the people that we would remedy the 1929 panic and restore and maintain permanent prosperity.

But we have not yet fulfilled this pledge and promise to the people. We have not only failed to relieve from the Hoover

1929 panic, but we have suffered a relapse and another depression to come upon the country to be known as the 1937 depression.

I am taking the position as a Member that with the country still suffering and in the throes of these two depressions the Hoover panic of 1929 and this relapse or depression of 1937, this Congress should remain in session until a direct remedy is provided.

But this program need not be discouraging to the tired, weary, homesick Members. Legislation can be enacted in 30 days and put in course of administration and prosperity started on the way to meet and greet you at the train, instead of the frown of another depression.

We do not need a new law to do it, nor a new board, department, or bureau, nor a single new office or official to do it, nor any new kind or different form of currency. All we have to do to restore normal conditions is to pass a congressional or legislative mandate directing the operations of existing currency facilities.

If the currency laws already enacted were invoked or resorted to today, in good-faith enforcement and administration, the remedy for this and the 1929 panic would be started in operation tomorrow to return values and the commodity price level, to restore employment and earnings and income, and the buying and consuming power of the people.

If the powers conferred by existing laws, under the authority of the Constitution, were exercised to carry out the purpose, the effect upon the country would be like magic. The doors of factory, mill, and workshop would swing open, stand ajar, the wheels of industry would start, and beginning in less than 30 days.

The Banking and Currency Committees are in a state of congestion and overcrowded with the consideration of controversial bills, many of which possess special merit, but which involve many details and complications to be worked out before being finally enacted into law, and their provisions creating new agencies requiring time for trial and practical administration.

And with the practical experience of the administration of these existing currency laws and facilities we can better consider conditions and provide more comprehensive and detailed legislation and create a public monetary system as full, complete, and safeguarded as the Postal Department or the revenue system.

Early in last year, 1937, misled by the demand to balance the Budget, which in the midst and strain of depression, when neither public nor private budgets can be balanced, the Government entered upon the policy of the suspension and relief of recovery payments, relying upon complaining private industry to take up employment where the public left off.

At this critical transition time, when new and additional money was needed to make up or take the place of the relief and recovery payments withdrawn, the Governor of the Federal Reserve Board deliberately and secretly entered upon a drastic contraction of the public currency.

On last March, a year ago, 1937, Chairman Eccles of the Federal Reserve Board prepared and published an official statement denying the charge of currency contraction. But the contraction of the currency was continued until over three billions of currency and credit were withdrawn from use and circulation.

It was these two concurrent currency movements, the withdrawal of relief and recovery payments and the contraction of currency and credit, carried on together, at the same time, that brought the fall of values and the price level and the 1937 relapse of the 1929 panic.

I have long protested and warned against this secret control of the public currency by the private Federal Reserve bankers. But all has been fruitless and in vain, and now for want of sufficient time, under the general rules of the House, I propose to continue and protest further by radio. [Applause.]

Mr. POWERS. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. RICH].

Mr. RICH. Mr. Chairman, as the gentleman from Indiana was speaking about the depression we are having at the present time I wondered what he would call it. Would he call it the Roosevelt recession? It seems to me that is probably the best name he could give it. You know, the difference between a depression and a recession is that in a depression things stop and in a recession they not only stop but they go backward. We are in a recession at the present time.

I come here today to talk to you about war, war, war. This morning on the way to the House of Representatives I drove around the Tidal Basin to see the beautiful Japanese cherry blossoms. A beautiful morning like this when one can get out in God's great outdoors ought to make us all feel happy and joyous. As I looked at the beautiful cherry blossoms surrounding the Tidal Basin, there came to my mind the thought that Japan evidently planted these blossoms for the purpose of displaying its friendship toward our Nation and all the nations of the world. I also wondered how Japan could go to war with China and kill many people over there, as it is doing, and not call it a war. It is a horrible situation to my mind. Then I recalled the discussions we have had in the House of Representatives in the past year, and especially when we passed the Neutrality Act last year. At that time every Member of Congress was thinking that he himself would not, under any circumstances, permit this Nation to get into a war with anybody. After we passed the Neutrality Act the President signed it, and then he evidently stuck it in a pigeonhole some place in his office, because he has not been able to find it since he signed it for he has not put it into effect. Why? The American people want to know why. Oh, it is talk peace and prepare for war with the President.

If the President of the United States were opposed to war and wanted to be on friendly terms with all the nations of the world, it seems to me he would put the Neutrality Act into effect and stop the exportation from the United States by anyone of certain commodities that are being used for the purpose of war.

Why has he not put that act into effect in the case of the war between Japan and China and prohibited the exportation of such commodities to those two nations? If he should prohibit such exportation, and if Great Britain would take the same course, I venture the assertion that within 6 months the war in China would cease. Put in effect House Joint Resolution 574—suspend business relations during the war with China.

Why in the world do we Members of Congress come here and talk peace, peace, peace at any price, and then do the things we are doing at the present time? Building up a great war machine. Let us review the situation in which we in Congress find ourselves as a result of the occurrences of the past 3 months.

First, we passed the regular naval appropriation bill carrying \$553,000,000 for the Navy. In that bill we gave consideration to everything that will be necessary for the protection of our shores against any nation. By the appropriations in that bill we will become sufficiently strong to prohibit any nation from gaining access to our shores; because of it our annual increase in the Navy by 1941 will be an additional one hundred million. We passed that appropriation bill in the regular course, and then like a thunderbolt out of the clear sky, with no one knowing anything about it, not even the members of the Committee on Appropriations or the Committee on Military Affairs, the President of the United States sent to the Congress a recommendation for the expenditure of \$1,200,000,000 additional in preparation for war. Why did he not take into council the members of the Committee on Naval Affairs? Why did he not discuss this recommendation with the members of the subcommittee on naval appropriations before he presented it to the Congress? This is a matter we really should investigate. Mr. Roosevelt does things alone and to his liking, and Congress rubber stamps his actions. It is time to stop it. Members should think for themselves.

We have not only passed these two bills but we are today discussing whether we shall appropriate for the Army this year \$448,808,555, which is an increase of \$32,500,000 over

our appropriation for that purpose last year. In addition, there is a reappropriation of last year's funds in the amount of \$3,670,000 and a contract authorization of \$23,297,000. This makes a total sum of over \$2,250,000,000 for war purposes authorized or appropriated in one year—the largest amount ever to be appropriated in peacetime.

Mr. DOCKWEILER. Mr. Chairman, will the gentleman yield?

Mr. RICH. I yield to the gentleman from California.

Mr. DOCKWEILER. After all the gentleman has said, all the estimates he has given the House are less than what the Budget has suggested for this year.

Mr. RICH. The Budget officer is just one officer appointed by Mr. Roosevelt. I do not have much confidence in a lot of the men Mr. Roosevelt has appointed, because he says one thing and does another. In fact, I cannot believe him any longer. Even after the estimates have been received from the Budget officer and the members of the committee have discussed the estimates it is only a few days until the President sends supplemental budgets to the Congress and asks us to hook them on to an appropriation bill. The trouble with the Budget officer, with the President of the United States, and with this Congress is that they just use no sense in appropriating the other fellow's money. They are not financially responsible. They do not know the value of a dollar. They never met a pay roll, only from the other fellow's money. They could not run a business of their own; they would bankrupt it. That is what we are doing. We are not appropriating money that belongs to us; we are appropriating money that belongs to the people of this country, the taxpayers' money. Now, what are we appropriating this money for? What are we trying to prepare for with this money?

Are these appropriations for a war of aggression? Certainly it looks like that when we make appropriations of such fabulous amounts. If they are not for a war of aggression, then why do we not pay more attention to the things that are necessary for the fortification of our shores on the Atlantic and the Pacific and build up our air forces? We can do this for about one-tenth of what we are appropriating now for these great naval vessels, and remember also that you have authorized three more \$70,000,000 vessels.

Mr. DOCKWEILER. Mr. Chairman, will the gentleman yield?

Mr. RICH. In just a moment when I have finished this statement. You appropriated for three \$70,000,000 warships a year ago that have not been started.

[Here the gavel fell.]

Mr. POWERS. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. DOCKWEILER and Mr. HARLAN rose.

Mr. RICH. I want to make this statement and then I will be pleased to yield to my colleague from California.

Then you have appropriated for three more battleships in the \$1,200,000,000 bill at \$70,000,000 apiece, which makes a total of six battleships.

I now yield to the gentleman from California.

Mr. DOCKWEILER. The gentleman just made the statement he thinks we could spend one-tenth of the amount of money provided in this bill, which is \$448,000,000, which would be about \$45,000,000, and get an army the equivalent of what the gentleman thinks we should have in this country.

Mr. RICH. No. I said one-tenth of all the money we have appropriated, which is \$2,250,000,000.

Mr. DOCKWEILER. The gentleman is a member of the Appropriations Committee, and what amount of the money does the gentleman think should be spent for the Army as a part of our national-defense equation? The gentleman is a member of the committee, like myself.

Mr. RICH. I say that we should cut down all of our appropriations, and not alone the appropriations in the bill we have before us, although we could cut that down 10 percent without affecting our national defense.

Mr. DOCKWEILER. I wish the gentleman was a member of our subcommittee and could sit down and pare the bill with us, because we could not cut it down 10 percent.

Mr. RICH. Yes; I could cut it 10 percent easily. When you go into all the bureaus we have in the Government, including the Army and the Navy, you will find that every one of them can be cut down 10 percent, and they will have to be cut down or you will wreck this Nation of ours by reason of the exorbitant expenditures. You are the greatest spenders this Nation ever has known—of other people's money.

Mr. HARLAN. Mr. Chairman, will the gentleman yield?
Mr. RICH. I yield.

Mr. HARLAN. A moment ago the gentleman criticized the Navy Department or the administration for failing to construct the three ships that have been ordered, and in the following sentence the gentleman criticized the administration for extravagance in having made this second authorization. Is the gentleman criticizing the administration for being too penurious in not having spent the money for the three ships that are already authorized, or for being extravagant by reason of the authorization that was just made the other day?

Mr. RICH. I say this administration is too penurious, and it is too extravagant. They ask for more than anyone should have.

Mr. HARLAN. The gentleman gets them both ways.

Mr. RICH. Yes; I can put it both ways because I have not much time for the administration we are having now. The gentleman from Indiana [Mr. GRAY] made a speech just a little while ago, talking about the Roosevelt depression. When Roosevelt took hold of this administration 5 years ago we had 11,000,000 out of work, and today we have 13,500,000 out of work. You have the business of this country at a standstill. You have the people of this country worried. You have the people of this country so they do not know where they are going. You have the people of this country in the position where they do not know what stability there is in this Nation of ours.

This is a deplorable situation in which we find ourselves. Let us consider just what we may find in the country today indicating that we are liable to get into difficulties within our own borders.

I picked up the Philadelphia Inquirer this morning, and it shows a German bund camp over here in Philadelphia that had a meeting and the people tried to prohibit the assembly. In the gentleman's State of Ohio yesterday I notice the Governor is going to investigate the German camps. It is the thing to do. Why should they form here?

I may say that my grandmother lived to be 97 years of age, and when she was a girl she could not speak a word of English. She spoke German. When she died she could not speak a word of German.

Now, I have some German blood in me; but, goodness gracious! I tell you men that if old Hitler is going to try to get these German camps started in this country so that he may think he can come over here and take charge of America at the very first opportunity, I want to tell you that I have not any German blood in my veins that will keep me from being 100 percent American. I am 100 percent American, and I do not want any foreign country or any dictator from any foreign shore coming over here and trying to interfere with the progress of America or restrict American freedom. [Applause.]

We have much in our country today that is more dangerous to American liberty and American institutions than any foreign country. Let us beware of internal strife, hatred that is created by men in high places between the employee and employer, between one class of people and another. It is dangerous propaganda and should be abolished by all in public office, especially in the office of President. We should also obey the oath we have taken, the Constitution, and our laws. America for Americans, the land of freedom and opportunity.

[Here the gavel fell.]

Mr. POWERS. Mr. Chairman, I yield 15 minutes to the gentleman from North Dakota [Mr. BURDICK].

Mr. BURDICK. Mr. Chairman, I am grateful to the gentleman from New Jersey for extending me time to speak

upon this occasion. I am not going to find fault with anyone except the Congress of the United States.

Mr. Chairman, Congress has the reputation of not being as responsive to the demands of the people as it should be. Although the Members of this House, because of the frequency of elections, should be alert to the demands of the people, it happens, nevertheless, that important measures are delayed and oftentimes worn out by time. In the meantime the country continues on its downward path to more "depression," more "recession," and more ruin.

One of the things that contribute to this inaction of Congress is the two-party committee system and the rules adopted to make this control effective.

No new party is recognized, no matter what happens. The Republicans and Democrats have controlled affairs since 1860, with no innovation, until these past 78 years have established a custom which no one as yet has been able to break down.

The majority party makes the majority assignments, and the other party finishes the job. Now the Democrats appoint all the chairmen and the majority of the committees, and the Republicans fill out the names of the other committeemen. Majority chairmen and the ranking member hand out the time in the House, and their power is absolute and final.

If I, as an independent or Nonpartisan League Republican, desire time or even a committee assignment, I must get that from the Republicans. If I am irregular and will not swallow whole what the orthodox Republicans hand out, I can be punished for my independence in two ways. I can be demoted on committees, which I was; and I can be denied time in general debate, which I usually am, or at most given 2 minutes or 5 minutes, but in most cases grudgingly. Thus the independent is denied time in the general debate.

Under the 5-minute rule, where anyone can be recognized who offers a pertinent motion, or moves to strike out the "last word," again the custom of the two-party system shuts out the independent. A member of the committee has preference over a member who is not. Hence, if the committee members desire to be recognized, we must wait until the 15 or 20 members have their fill, and about the time the independent thinks he is going to be recognized, the chairman in charge of the bill moves that "all debate on the amendment and all amendments thereto close in 5 minutes." That leaves the independents in the House a full period of 5 minutes to be divided among some 30 or 40 Members.

That procedure bottles up the debate and a Representative who desires to express the will of his homefolks is bottled up as completely as Cervera's fleet was at Santiago.

The danger with which this committee system is surrounded is that a Member of Congress finds all his time taken on some one committee and he has no time to "think." He becomes one-sided and knows nothing about legislation unless it has come before him in his committee. He learns early to follow his committee, and not only that results, but the Members generally rely upon the committee in guiding their votes. In this way a comparatively few men in Congress direct the whole legislative program, and with the rules tuned to support the system, the opponents of committee action are prevented from effective opposition; and the proponents of any legislation, other than what a committee has approved, find they cannot even be heard on the measure.

The committee system as now organized gives special privilege an open and easy way to write legislation. They, the representatives of special privilege, do not come before Congress or any considerable number of Congressmen. All they have to do is to sell their idea to a committee. Not even that—to a majority of the committee—and when that committee votes to report the bill, custom does the rest, and Members of Congress, as they say frequently, "feel constrained to follow the recommendations of the committee." There you have it—and nothing has been done about it for 78 years—and through this system we find the following economic results squarely in front of us this moment:

We have since the Seventy-third Congress spent \$20,000,000,000 to put the Nation back on its feet: eliminate unemployment and reestablish business. That is all gone, and not one cent can ever be salvaged. The unemployment roll is bigger today than all our history and the depression has increased in dimension.

Conservative estimates based upon a superficial census indicated that 12,000,000 people were out of employment who could work and needed work. The actual figure, where all would report, would make that figure much larger. There can be no dispute about this, for it is a matter of common knowledge that a large percentage of the unemployed never reported at all.

In our excitement of the moment, influenced by British propaganda, we embark upon a huge Navy program, just at a time when the people of the country are least able to bear the burden of increased taxes. In this excitement the Committee on Naval Affairs reports, and that is enough. The Members fall in line and follow the committee and absolutely forget to "think for themselves."

Mr. McFARLANE. Mr. Chairman, will the gentleman yield?

Mr. BURDICK. I yield.

Mr. McFARLANE. I understand that the Senate is going to add three more superdreadnaughts to the bill.

Mr. BURDICK. It would be in line with what the Senate usually does.

During the World War we had ready for action 39 capital ships, and while the public still thinks the Navy was a master weapon in that war, the fact remains that only six of these ships saw war service and the other 33 were tied up in the protected harbors of this country, and none ever left port without first having the waters swept for mines. Yorktown, Va., harbored the most of our grand fleet, and it stayed there until the war was over.

But these facts make no difference, because members wish to "follow the committee."

We get further excited about our national defense and vote billions for protective purposes, and at the same time cut down the production of food, which wins all wars. We limit the amount of crops a farmer can raise and thereby destroy the greatest defense that any country can have. If the nations of the earth knew we had food enough to last the people of this country, and that it was available to all for 3 years, there is not a single power or combination of powers who would dare to attack such a country.

The defeat of the greatest military genius of all time, Napoleon, was due to a shortage of food; the Civil War ended because the South was starved out; Germany made peace terms because the German people were starving to death. All history demonstrates this—that food is the vital element of all conflicts. But that means nothing to this Congress—all history is forgotten—even the history of our own country and the Members "follow the committee," and vote blindly for war equipment and in the same breath limit the production of food products.

We are engaged in a great war now, yet Congress does not know it. A war against unemployment; a war against the interest system that is a cancer in the vitals of this Nation; a war against the inability of our natural trend of business to maintain itself; a war against poverty, starvation, nakedness, and for the homeless. We could well defend ourselves against the world if we would win our own battle at home.

Some are afraid and have expressed the thought that Hitler or some other dictator would take the United States. Hitler never took any nation until that nation was first ready to be taken. When Hitler ventured to annex Austria a large percentage of the Austrian people were asking to be taken, and when he did enter Austria it was a reception instead of a battle.

Unless the people of the United States desire to be taken, no one will take this country. Our best battle against Hitler, Mussolini, and Stalin is to win our own battles at home and keep the ideals of our democracy before the people and make it mean justice, freedom, and equality. If we do that, none

of these dictators will have a formidable following in America. We can keep right on, however, following precedent, committees, and whatnot while our great Nation plunges further in the depths of depression until there will be a great number of people willing to be taken if they can obtain the common necessities of life.

If we mean to maintain peace, let us do two things—establish peace among our own citizens and then eliminate those agencies which are fomenting war. Let us take over now, in peacetimes, the munitions plants of the country and thus stop war propaganda. If we are serious about this, why does not Congress and the "committee" report on House bill 177, which I introduced on January 5, 15 months ago. That bill provides:

The prohibition of private manufacture of munitions of war, defining the term "munitions", and designed to prevent any war except that of self-defense in the protection of the territory of the United States and the territory over which it now exercises a protectorate adhering to the principle of the Monroe Doctrine, eliminating all possibility of war profits, and for other purposes.

If we wish to maintain on this continent a free government which guarantees to every citizen the right to life, liberty, and the pursuit of happiness, which was in the great charter, the Declaration of Independence, we must make some constructive moves and refuse to follow the "committee."

We should stop issuing interest-bearing bonds and call in those bonds outstanding now and pay them in currency and eliminate interest. The public and private interest payable annually in this country consumes almost one-third of our Nation's income. It consumes all that labor and all the farms can produce in 1 year. No one has arisen in Congress so far, nor will one ever rise, and explain to the people of this country why the Government's name on a bond is good while the Government's same name on a piece of currency is not good. When you have eliminated the interest racket, you have recaptured the authority which the Constitution gave Congress to coin and regulate the value of money. Cut out the interest racket and you have destroyed the private use of public money and credit which enriches the few and makes paupers out of the many.

Special privilege has always been able to control the operations of this Government because of their easy access to the "committee system." Special privilege does not respect parties. It can use the Republican Party as well as it can the Democratic Party. I used to snare gophers on the prairies of Dakota, and once set my string at a hole down which a gopher had disappeared. I waited, and no gopher appeared. I looked around and saw the same gopher come up out of another hole a few feet away. I set my string there, and the gopher came up through the first hole. Until I stopped up one hole I was unsuccessful in my quest, but after having done that I caught my game. Just so in Congress—special privilege is the gopher; and when it suits its fancy, it comes up out of a Republican hole; when conditions are more favorable, it comes out of a Democratic hole, but all the while it is the same gopher.

Let a measure come up before Congress such as abolishing the Federal Reserve System, and the private control of the Nation's credit and Democrats and Republicans will embrace each other, in open meeting, to rally to the defense of the "money power." Give the Power Trust one single opening, and it will be swarmed over with supporters, and in this swarm there is no distinction between Republicans and Democrats. Attempt to give the aged people of the United States a chance to start the circulation of money from the bottom and revive all business—out come the legions of opposition who say it is "impracticable, utopian, and impossible"; but propose to hand over a few billion dollars to the top strata, banks, railroads, and insurance companies, and the same crowd who said putting money in at the bottom was impracticable, utopian, and impossible will reverse themselves and follow the "committee" who say that the banks, railroads, and insurance companies must be aided.

I am of the opinion that unless the people will elect Members of Congress who will think for themselves, and not subserviently follow a "committee," that the future well-being

of the greatest democracy on earth is dark and gloomy. [Applause.]

Mr. Chairman, I yield back the balance of my time.

Mr. STARNES. Mr. Chairman, I yield myself 20 minutes.

Mr. Chairman, the committee in presenting this bill feels that it has given you a bill which provides for a well-rounded program for our Army for the coming fiscal year. We have tried to take care of the more critical items with reference to matériel in this bill.

Roughly, the bill provides for an average of 12,300 officers and 162,000 enlisted men for the Regular Army. It provides a National Guard of 205,000. It provides 15-day training for approximately 27,000 Reserve officers, and 30 days' training for approximately 35,000 young men in the Citizens' Military Training Camps.

Insofar as matériel is concerned we are taking care of some of the more critical items necessary for a wartime reserve. We are equipping our antiaircraft regiments complete in the Regular Army, providing for complete equipment for 7 of the 10 National Guard antiaircraft regiments and training facilities for the other three National Guard antiaircraft regiments.

For the first time we are taking sensible steps toward a progressive and harmonious development of the personnel and matériel necessary for our national-defense system. In this connection I commend to the careful attention of the Members of the Congress and of the people of this Republic the statement made before our subcommittee by Gen. Malin Craig, the Chief of Staff. The statement he made before the Subcommittee on Appropriations handling the War Department supply bill for the fiscal year 1939 is an historic document. It will constitute a landmark in the progress and development of the national-defense policy of this Nation. Clear, concise, and complete in every detail, well reasoned and logical, it is the product of the heart and brain of one of the ablest Chiefs of Staff this country has had in all its long history. [Applause.]

I want to pay tribute to the sound common sense, the patriotism, and the ability of Gen. Malin Craig, Chief of Staff of the United States Army. [Applause.]

Due to troubled international conditions our country today is national-defense minded as never before. A most unhappy situation prevails elsewhere. It seems that the world has gone mad.

It is certain that mad-dog nations are on the loose in the world today. America has become really and truly the last bulwark of a representative democracy throughout the whole world at the present time, and democracy has her back to the wall. It is a sad commentary on human nature, but it seems to be true nevertheless, that today the world is governed by the force of might rather than by the force of right and reason. In such a situation there is no alternative for America, the last bulwark of democracy, but to prepare herself for any eventuality in order to protect democratic institutions and representative democracy. We must have a balanced national-defense system.

May I correct the statement that the gentleman from Pennsylvania inadvertently made, I am sure, on the floor of the House today when he said we are this year appropriating \$2,200,000,000 for national defense. That statement is incorrect. We are appropriating a total of \$997,000,000 for national defense this year. He charged to the actual appropriation the authorization contained in the naval bill which passed the House a short time ago of one and one-quarter billion dollars.

The Navy under our system of national defense is our first line of defense. May I call attention to one thing in connection with the Navy bill which recently passed the House. That is, we seem to have established a new policy with reference to aviation in this country. Heretofore every study which had been made by joint boards or commissions, whether Army, Navy, or civilian, showed there was an agreement implied and adhered to that the ratio between the aviation forces of the Army and Navy should be 60-40 in favor of the Army. Under the findings of the Baker board

we adopted as our national defense policy a goal of 2,320 fighting planes for the United States Army. This goal will be reached by July 1, 1940, if we continue the appropriations for aviation as we have during the past 5 years. The Navy bill recently passed by the House provided for a minimum of 3,000 fighting planes. What the Navy wants with so many planes, I do not know. It seems to me a sound policy would dictate that land-based planes should be placed under the jurisdiction and control of the War Department. Such planes could be assigned certain missions in conjunction with the fleet when operating near our coasts.

The function of the Army is to support the national policies, to protect the continental United States and its overseas possessions, including the defense of our naval bases, and to provide for and prepare the land forces necessary for the effective prosecution of war.

I am happy to advise you that our Army today is in a better state of preparedness to carry out the functions and the duties placed upon it by the Congress than ever before in the peacetime history of America. Today we have the finest and the most efficient peacetime Army in the history of the Republic.

It is better equipped and there is a higher degree of morale. The officers and enlisted personnel are thoroughly imbued with the ideals of Americanism and the spirit of service. The state of training is such as would permit the successful conclusion of any operation assigned the Army. Under the able leadership of the present Chief of Staff, we have a harmonious plan for the progressive development of personnel and matériel in meeting national emergencies.

Under present plans the first mobilization plan would provide for the immediate calling of 400,000 men in the Regular Army and the National Guard for the initial protective force. As a second step in the defense of the country, the War Department plans call for an augmentation of the initial protective force to a balanced all-purpose force of 730,000 officers and men in units throughout the country to defend our naval bases, to move to any threatened point of attack, and to protect the vital defense installations of this Nation. In addition to this force we would have 270,000 enlisted men unassigned, to be used for replacement or other needs as occasion demanded.

The final plan calls for 1,550,000 men if the emergency requires.

Let us take a look at the matériel program and see how it progresses and coordinates step by step with the necessary personnel for our national defense. For the first 400,000 men called into service we have a sufficient supply of certain items of equipment, but there is a lack in certain critical items, the cost of which would be approximately \$160,000,000 in order to completely equip this initial protective movement.

The bill we present to you today takes the initial step in the completion of the matériel program for the 400,000 men we would have available in our hour of emergency for the initial protective movement.

Mrs. ROGERS of Massachusetts. Will the gentleman yield?

Mr. STARNES. I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. I notice there is very little in the bill in the way of appropriation for construction at Army posts. I have Fort Devens in my district. There is an authorization for buildings there, but I notice it does not appropriate very much money for the buildings at that post and at other posts. I realize how important it is, but it would save money if an appropriation could be made for the buildings and it would result in work being given to the unemployed also.

Mr. STARNES. May I say to the gentlewoman from Massachusetts I realize and appreciate the housing needs of the Army. I wish it were possible to appropriate the money, but we feel, in view of the international situation that exists today, we should provide first for certain critical items that would be absolutely necessary for the defense of this country and its institutions. When those items are provided for I

am quite sure the conditions of which the gentlewoman from Massachusetts justly complains will be remedied.

Mrs. ROGERS of Massachusetts. I believe the gentleman is anxious to do that.

Mr. PACE. Will the gentleman yield?

Mr. STARNES. I yield to the gentleman from Georgia.

Mr. PACE. As a matter of fact, the Department has filed requests for housing totaling over \$160,000,000.

Mr. STARNES. That is correct.

Mr. PACE. And those funds have been provided?

Mr. STARNES. No. We are attempting to provide in this measure for vital necessities, such as anti-aircraft equipment, ammunition, jigs, and dies.

Mr. SNELL. Will the gentleman yield?

Mr. STARNES. I yield to the gentleman from New York.

Mr. SNELL. Is there any provision in this bill for increasing the Regular Establishment of the Army?

Mr. STARNES. There is not.

Mr. SNELL. I suppose the committee gave careful consideration to the general conditions throughout the country, and even with the demand for a larger navy for defense purposes was satisfied our small Regular Army is large enough to meet the emergency at the present time.

Mr. STARNES. At the present time. I am happy the gentleman has raised the point. With the completion of our aviation program it will be necessary to have additional personnel, both officers and enlisted men, in order to man the ships and care for the material which will be available. The Congress will be called upon in a short time to authorize the appointment of additional officers. There is probably a bill now pending before the House Committee on Military Affairs regarding this matter.

It will be absolutely essential to have these officers in order to keep the ships in the air. We will need at least 3,000 additional enlisted men in connection with the aviation program and 3,000 additional men for manning the entire aircraft defenses in the Regular Army.

Mr. SNELL. Those are all for the Regular Army?

Mr. STARNES. Yes.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. STARNES. I yield to the gentleman from Michigan.

Mr. MICHENER. When the additional air forces are in existence will they add to the forces of the Army or take the place of some other branch of the service today?

Mr. STARNES. Does the gentleman mean the additions to our Naval Establishment?

Mr. MICHENER. Yes. If we add so many airplanes, does this simply strengthen the Army to the extent of the additional airplanes, or does it mean the additional air forces will make it feasible to dispense with some other part of the service?

Mr. STARNES. My answer would be no. The Army has its own particular needs, as has the Navy. The goal of 2,230 fighting planes, which is the minimum required for the Army, has not been reached and will not be reached prior to July 1, 1940. The point I raised in that connection awhile ago was the disproportion provided for under the Navy bill was a change in our aviation policy but it would in no wise affect the absolute minimum needs of the Army.

Mr. HEALEY. Mr. Chairman, will the gentleman yield?

Mr. STARNES. I yield to the gentleman from Massachusetts.

Mr. HEALEY. Did I correctly understand the gentleman to say the increase in the Navy would in no way relieve the Army of certain of its duties? In other words, if we increase our naval forces in order to conform with the authorization bill just passed, will not this relieve to some extent the necessity for a large standing Army?

Mr. STARNES. We have never had a large standing Army in peacetime. The number of officers and men we now have is the absolute minimum required to maintain our present establishment and to maintain the dignity of this Nation and assure the carrying out of its national policies.

I do not believe that if you quadrupled the size of the present Navy you could with wisdom reduce by a single officer or a single man the present personnel of our Regular Establishment in the land forces.

In the progressive and harmonious development of our national-defense system we find it would take at least \$1,000,000,000 to provide critical items of equipment to place in the field the balanced, all-purpose force of 730,000 men in units and 270,000 unassigned. By calling upon the war reserve and stocks on hand that are obsolete to a certain extent and certainly not as effective as more modern stocks and equipment would be, by making every sacrifice of that nature, and by calling on private industry to assist us in our program of equipping the augmented force, we could place these million men in the field with the expenditure of approximately \$440,000,000 for material.

Mr. PACE. Mr. Chairman, will the gentleman yield?

Mr. STARNES. I yield to the gentleman from Georgia.

Mr. PACE. I do not want to divert the gentleman too much from his trend of thought, but in that connection—and I ask this by reason of the gentleman's position on the Committee on Appropriations and my interest through membership on the Committee on Military Affairs—has the gentleman's committee given any thought to material in the way of supplies necessary in time of war that cannot be produced in this country, such as tin, that should be bought and stored for a time of emergency? Is any item of that character in the present bill?

Mr. STARNES. May I say to the gentleman from Georgia that before we can embark upon a program of that sort we will have to have legislation authorizing us to do so. We have discussed it within the committee and we do appreciate the necessity for such a wise provision for the national defense. We hope the House Committee on Military Affairs will soon give us the authority to proceed with such a program. I hope to touch on this matter later in my address to the House today.

Mr. SMITH of Connecticut. Mr. Chairman, will the gentleman yield?

Mr. STARNES. I yield to the gentleman from Connecticut.

Mr. SMITH of Connecticut. I may say there has been reported by the House Committee on Military Affairs a bill covering this situation in regard to four commodities—manganese, tin, tungsten, and chrome.

Mr. STARNES. I am happy to learn that is true. I hope the bill will be acted upon favorably and that we can make provision for the purchase and storage of certain vital elements. We have a mistaken idea in this country that we are self-sufficient.

[Here the gavel fell.]

Mr. STARNES. Mr. Chairman, I yield myself 5 additional minutes.

Some of us have the mistaken idea that we are a self-sufficient Nation, but we are absolutely dependent upon other nations for certain vital supplies that are absolutely essential for equipping and maintaining our armed forces and providing for an adequate national defense, such as tin, chrome ore, tungsten, manganese, and other articles that are absolutely essential in the manufacture of the high-grade steel necessary for building battleships, providing guns for the Army and the Navy, for construction of planes, and for the storage of food and equipment for our Army.

In order to wage a war of defense successfully, we not only must have mobilization plans for personnel but must have, as we learned from bitter experience, a sound policy and wisely conceived plans to effectuate such a policy of mobilizing industry for wartime purposes. Such a policy has been established and more than 10,000 industrial firms in America have plans prepared in conjunction with the War Department for the gearing of their machinery or the transformation of their plants for supplying matériel needs of the Army in an hour of emergency.

This will enable us to wage a war of defense more quickly and effectively than we did in 1917, or as we have done in

any war in the history of the Republic. Why, it takes a year or longer, working at top speed, to build a munitions plant from the ground up and put it in operation on any appreciable scale.

It was almost a year, maybe longer, before we placed a combat division equipped for service at the front in the World War. When placed there it was not entirely equipped with American equipment. The British and the French supplied us with machine guns and automatic rifles for the Infantry. The French supplied us with light artillery and not a single American aviator fought over the lines in an American plane. They had to use planes of foreign make.

This experience shows the absolute necessity of a harmonious and proportionate balance between material and personnel in a national-defense system.

There has been a lack of policy in the construction or location of plants for the manufacture of munitions of war. We have five plants in the country today for the manufacture of munitions. Four of them are north and east of Philadelphia and the other is in the State of Illinois. They are the product of Colonial days and of the World War and they are not a part of any well-rounded policy or program of locating such plants in strategic areas, close to raw material, where they would be practically invulnerable. Their location is a condition and not the result of a policy. There is no disposition, so far as I know, on the part of anyone in the War Department or in the Congress or throughout the country to relocate or to abolish any existing plant for the manufacture of munitions in this country, but there is a vital need for the location or the construction of additional plants for the manufacture of munitions in this country in strategic areas, invulnerable to attack, close to available and abundant supplies of raw material, an adequate labor reservoir, and where transportation facilities are excellent.

In my judgment, one such plant should be located in the southeastern section of the country in what we call the Birmingham district, which covers the entire Southeast, insofar as the manufacture of munitions is concerned. Another should be located in the Great Lakes area close to the coal mines and the great steel centers of Cleveland and Detroit. Another such plant should be located somewhere in the West, preferably just east of the Rocky Mountains. Such a policy would provide vital national-defense installations in areas practically invulnerable. At the present time we have our eggs in one basket in the Northeast.

[Here the gavel fell.]

Mr. STARNES. Mr. Chairman, I yield myself 3 more minutes.

The Birmingham area or district is second only in importance in our national-defense plans for ordnance production to the Pittsburgh area. The Birmingham area has a greater variety of raw materials used for national defense than any section of our country. Inexhaustible supplies of iron ore and coal lie in close juxtaposition to huge deposits of limestone. In this area are found phosphate beds and manganese. Huge plants now in operation could provide the elements needed for our Chemical Warfare Service. Here, too, is a fine labor reservoir and an excellent network of railroads and highways. With the development of the Coosa-Alabama waterway and the Tennessee under the T. V. A. we would have an all-year-round water transportation system second to none connecting us with the Ohio Valley and Great Lakes areas as well as the Gulf. The Chief of Staff directed a study be made of this area the past year at my request. It was found this area possessed the necessary requisites for a munitions plant, for the manufacture of shells and other ordnance equipment.

We must have a sufficient number of Government-owned and operated plants capable of rapid expansion to meet wartime requirements for the purpose of supplying vital and critical items of ordnance. This is essential. Private industry cannot and will not engage in the manufacture of certain materials. To do so would be highly unprofitable. Private industry cannot sell 3-inch shells, huge naval guns, large quantities of smokeless powder and of bombs to a

civilian population in this country. They have no need for such articles in their respective avocations.

Mr. DOCKWEILER. Mr. Chairman, will the gentleman yield?

Mr. STARNES. Yes.

Mr. DOCKWEILER. I am glad the gentleman is touching on this subject, because the country is misinformed. There is practically none of the man-destroying material used in the Army that is manufactured by private corporations or by so-called profiteers. It is all manufactured in our own arsenals, even to our own small rifles, which are manufactured in our own factories.

Mr. STARNES. Yes. I have talked to some of the leading industrialists in the Southeast. They tell us frankly they are not interested in the manufacture of such articles, because there is no demand for them save by the Army. They further say the relatively small orders and requirements of the Army do not justify the expensive tooling and equipment necessary for manufacturing ordnance. The manufacture of machine guns, rifles, artillery, and other ordnance equipment calls for a high grade and quality of steel. It also calls for highly technical and expensive equipment for their production. But, Mr. Chairman, we can supply for these people for war purposes jigs and dies and certain materials that this bill provides for, so that private industry can transform their plants into wartime production within a minimum of time. May I say this in conclusion: It is a matter of vital interest to every American citizen that we provide adequate national defense. This is absolutely essential for the perpetuity of democratic ideals. Unless we are able to defend our country and its institutions it shall surely perish in the onward march of dictator nations just as other nations have perished. Do not say that it cannot happen here. Do not say that with improvements in this modern era, with high-speed planes whose cruising radius is increasing by thousands of miles, that the Atlantic and the Pacific Oceans can provide for us the safety they provided in another day.

Mr. SMITH of Connecticut. Mr. Chairman, will the gentleman yield?

Mr. STARNES. Yes.

Mr. SMITH of Connecticut. I am curious to know whether the committee has any information on the carrying out of the provisions of the Wilcox Act of 1935, particularly in view of the last statement of the gentleman concerning the development and use of planes. I believe that the Army desires to go ahead with the Alaskan air base, but I do not believe there is any provision in this bill for that.

Mr. STARNES. Mr. Chairman, there is not; and we feel it would probably be the wisest thing today to have additional specific authority to do so. That is our feeling about it.

Mr. Chairman, every American citizen, regardless of his creed, race, or color, should be interested in providing and maintaining an adequate national defense. Only by such a provision are we assured of the continuation of freedom of speech and of press and of conscience in this country. It is only by such a provision that labor and industry can work hand in hand in a proper development of the country free from unnecessary restrictions and regulations on the part of a dictatorship. I hope the day will never come in this Nation when we will listen to the siren music of idealistic, impractical pacifism to such an extent we will neglect to provide for the common defense and thus make this fair land of ours easy prey for the onward march of ruthless, cold-blooded dictators throughout the world. [Applause.]

Mr. TERRY. Mr. Chairman, I yield 12 minutes to the gentleman from Texas [Mr. MAVERICK].

TRENDS ARE AWAY FROM DEMOCRACY; RISING EXECUTIVE POWER; UNDUE ATTENTION INTERNATIONAL AFFAIRS

Mr. MAVERICK. Mr. Chairman, more attention is being given international affairs than problems at home.

More attention is being given the Navy than the Army; we are providing more overseas and aggressive weapons than weapons for necessary national defense.

The Air Service of the Navy is being emphasized and built up at the expense of the Army Air Service. This lop-sided

policy is bad, because airplanes in the Navy tend to be developed for warship defense rather than for national defense.

DEADLY PARALLELS THIS ADMINISTRATION AND PRESIDENT WILSON'S

There exist many deadly parallels between the administration today and that of Woodrow Wilson.

Then we started out with great reforms, bogged down, and muddled ourselves into the World War.

CONGRESS EVADES PRESSING PROBLEMS—MUDDLED SITUATION T. V. A.

If we of Congress are frank with ourselves, we must admit that we are evading our most pressing economic, business, and labor problems at home.

We have even abandoned the effort to obtain information on monopoly and big business, and the present depression.

Congress has evaded other matters of the greatest importance, such as the T. V. A.

Representative government has for some time demanded an investigation of T. V. A., for the purpose of giving the American people all of the information.

The present muddled and unfortunate situation of the T. V. A., the greatest of the New Deal enterprises, would not have occurred had Congress acted to investigate and study it when such resolutions were offered months ago.

NOTHING KNOWN OF UNEMPLOYMENT; NO EFFORT TO FIND OUT

Neither this Congress nor any since 1933 has had a real study or inquiry of unemployment, and literally nothing at all is being done for the unemployed except the granting of shockingly inadequate relief and W. P. A.

Billions of dollars have been appropriated by Congress for relief, without the remotest idea of how it is going to be spent.

We know nothing of unemployment and less than nothing about the basic causes; this House of Representatives, charged with the duty of raising the money, refuses to make an inquiry into the subject.

REPUBLICANS NEED NOT REJOICE—THEY HAVE NO PROGRAM

But Republicans need not rejoice—they have generally advocated nothing, or have advocated something worse. They literally have no program at all.

The Democratic Party at least has the germs of accomplishment, although these germs are now frozen stiff.

It is for the people to put on the heat.

POLITICAL ACCOMPLISHMENT PARALYZED; T. V. A. AN ANTICLIMAX

Political accomplishment, or even thought, is paralyzed. We do nothing and wait on the Executive—the apparent decision to consider T. V. A. after many months of dilly-dallying being a fair example, and also an anticlimax.

The responsibility of economic, social, and political achievement lies in the first place with Congress—not with the executive or judicial branches of our Government.

PRESIDENT DOES NOT ATTEMPT TO DOMINATE CONGRESS

For 5 years severe criticism has been leveled at the President to the effect that he is attempting to dominate Congress in all its acts. It has been clearly apparent since the beginning of the special session and throughout the regular one that the President has made no effort whatever either to guide or dominate Congress.

In fact, on many important issues, the President has pointedly refrained from asking Congress to do anything.

This is brought out in his recent attack on conditions of the South—that appeal was not to Congress, but directly to the people.

IT IS THE FAULT OF CONGRESS—NOT THE EXECUTIVE

In spite of the fact that the President has left Congress to its own devices, Congress has done nothing, and seems to be in a sort of stupor.

It is reasonable to say that Congress as a whole is trifling with democratic liberties, abandoning its own prerogatives, and causing the constant increase of Executive power through its own inaction.

This is not the fault of the Chief Executive. It is the fault of Congress.

If we asserted our representative powers, if we gave the American people definitely responsible government, either

liberal or conservative, nothing at all could stop us. And the people are anxious for us to do so, rather than follow our habit of floundering from one policy to another, and a course of inaction.

LET CONGRESS REASSUME ITS LOST PREROGATIVES

In the days of the emergency in 1933, the President made strong recommendations, which were rightfully followed by Congress. Now it appears that Congress does not know what to do, because it has not been told just exactly what to do. I hear various fellow Democrats wondering what the President thinks of this and that, and we are told mysteriously that the White House wants this or that when there is absolutely no indication of it whatsoever. We had better learn to do something for ourselves.

If the President had the courage to give leadership both for the executive branch and the legislative in a time of deep distress and emergency, certainly Congress should now have the courage and leadership to reassume its powers.

HOME SWEET HOME; PARLIAMENTARY OSTRICHES; ANYTHING MAY HAPPEN

I had prepared a paraphrase of Home, Sweet Home, and how we should stay out of foreign wars and mind our own business, but for fear that someone might think what I have said is not meant in the greatest seriousness, I have left it out.

Certainly we are not following a realistic course, but are filling our heads with mental escapes and self-satisfying dreams.

Like parliamentary ostriches, we have our heads in the sand of an idea desert.

Unless we hold up our heads and assume our representative duties, anything may happen. [Applause.]

Mr. STARNES. Mr. Chairman, I yield 12 minutes to the gentleman from Ohio [Mr. HARLAN].

Mr. HARLAN. Mr. Chairman, we are devoting ourselves at the present time to the matter of appropriating for the War Department for the purchase of many needed materials and supplies. I direct attention of the House to a matter indirectly connected with this, and that is the matter of the disposition of part of our war materials. I refer to horses and mules that have been worn out in the service of the United States. We have a provision in section 311a of title 40 of the Code which requires that all things of value held by the Government must be sold at auction. The way this operates so far as our horses and mules are concerned is that these horses are first used by the War Department, and every bit of use that is available to the strenuous service in the War Department is taken out of them. When the War Department is through they are transferred to the other governmental departments, where a little lower degree of activity is required. When that degree of usefulness is wrung out of these animals they are then put up at auction and sold to the highest bidder, whomever he may be. The fact of the matter is that when these horses are sold at auction they are purchased very largely by junk dealers and hucksters in cities, and in their possession, through methods of starvation and cruelty and torture, these horses that have served the United States, many of them for 15 or 20 years, give up the very last spark of energy that their aching bodies have—all because the United States gets five or six or seven dollars out of their hides.

Mr. Chairman, a horse 20 years of age corresponds to a man somewhere in the neighborhood of 75 or 80, and these horses are approximately that age when they are sold on the block. Last July some of these horses were sold in Washington, spavined, lame, crippled in different ways; but they still had a day or two of work in them. They ran from 18 to 20 years of age. The United States after paying for the advertising, after getting them ready for the sale, got \$25 apiece I think for these horses. These horses were fortunate. With that evidence of cruelty on the part of this Government being blazoned forth in the papers the local humane society purchased four and put them out to pasture here so they could have a few days of peace before they died.

The advertisement, as published abroad for the sale of these properties, read:

Gray gelding, approximately aged 20, weight about 900 pounds, tender-footed and weak in joints. Fair condition, name Pewee, a mule.

Gray gelding, age 18, weight about 1,000 pounds, weak tendons causing mule to drag left leg. Fair condition. Name Dick.

A third mule, also a gray gelding, is about 18 years old, weighs 1,100, is wind broken, condition fair; name, Charlie.

No. 4 is a gray gelding, Bootlegger, age 20, weight 800, condition fair. Too fast for farm work.

No. 5 is Joe, 21; weight, 2,100 pounds; tender-footed, becomes lame when used regularly.

Sealed bids will be received until 10 a. m. Thursday, and the quintet will go to highest bidder.

I have submitted a bill, H. R. 9848, now pending before the Committee on Expenditures in the Executive Departments. This bill is an amendment of the section I read just a moment ago, 311 (a) of title 40, to the extent that it gives the officials of the Government the power to either humanely destroy these animals that have been worn out in Government service or to put them out to pasture. This bill, being H. R. 9848, Seventy-fifth Congress, third session, reads as follows:

A bill to require that horses and mules belonging to the United States which have become unfit for service be destroyed or put to pasture

Be it enacted, etc., That notwithstanding the first proviso in the fourth paragraph under the heading "Division of Supply" in title I of the act entitled "An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1930, and for other purposes," approved December 20, 1928 (45 Stat. 1030), horses and mules belonging to the United States which have become unfit for service shall be destroyed or put out to pasture.

The fact of the matter is that the War Department for years by some hocus-pocus has been doing this very thing with horses that have had some outstanding service record. General Pershing's horse is out at pasture now, and other horses of outstanding service records, horses for which some person has a deep affection; but the governmental departments outside of the Army apparently have not mastered the old Army game to that extent, and every other Government department sells these poor, diseased, crippled animals on the block to be tortured for the rest of their lives, in most cases.

If the United States Government, with expert care of these horses by the finest veterinarians and the best feed, can no longer make these animals render enough service to pay for their feed, what can we expect of these people into whose hands a \$20 or \$25 horse falls? They will feed him anything in the line of food, regardless of quality and as meagerly as possible, and will drive him by whip and other kinds of punishment into rendering service that his feeble, aged body is no longer able to deliver. Think of it. A horse 20 years of age corresponds in age and decrepitude to a man 75 or 80. Think of putting such a horse out to work, usually not on a farm where work is intermittent and the ground soft, but almost always to a city huckster or junk dealer to be driven incessantly, pulling heavy loads over city streets.

The horse has been mankind's friend from the days of darkest barbarism to the present time. Take the horse out of American history and you leave a very vacant spot. Paul Revere's ride and Sheridan's ride would not have taken place.

General Grant, because of his love of horses and his appreciation of their invaluable service, refused to take the horses of Confederate officers in the surrender at Appomattox because he said they would be needed for the spring plowing.

In time of war, horses are driven into danger against which they have no protection to be blinded, wounded, and killed as a sacrifice to human folly. Horses have joined in every struggle of mankind and contributed as much as any other factor to man's control over his environment and to his civilization.

It was the horse that cleared the forest and broke the sod for the early American pioneer. It was the horse that dragged the immigrant wagon through the marshes and forests and across the prairies to bring under cultivation our

western land, and furnished the first bonds that united us as a nation. It was the pony express that made our first mail service a possibility, and it was that service in the days before the telegraph that held together the eastern and western territory of this country when the whole Government was threatened with disorganization by the Civil War. And now that country, largely preserved by the faithful service of horses and mules, the most prosperous country on the globe, after having wrung 15 or more years of service from its speechless servitors, for the sake of \$5, \$10, or maybe \$15, puts them on the auction block instead of giving them the merciful .45-caliber bullet that would end their misery or, better yet, putting them out to pasture for some days of reward for the service they have rendered. Discontinuing this practice will mean nothing to our revenue. It is just an ordinary act of decency and humanity on the part of the Government.

Mr. Chairman, this may not have an appeal to some of us who possibly are not informed on the subject, but to the very extent that our people have indulged in humane activities we have made for our own advancement. Do you know that the very health laws in this country were initiated by humane activities on behalf of dumb cattle in the State of New York? In 1869 many people in New York City were keeping cows in their own barns, giving them no sunlight, no exercise. The animals, of course, soon became infected with tuberculosis. They were fed swill from the distilleries. Milk from these animals was fed to babies in New York City. The Humane Society in that city took this up, but could get no place because there was no law to protect the health of babies. They did not then know anything about bacterial. The humane organization then resorted to prosecuting the owners of these cows for cruelty to the cows for milking them while sick. Through that instrumentality New York City stopped the production and sale of that kind of disease-purveying milk. The health activity which has developed since had its start in that movement to protect cows from cruelty.

About the same time a little girl in New York was being tortured and beaten by some people who claimed to be her relatives. The police and the different service agencies tried to protect her, but there was no law.

Just as today we have citizens of eminent respectability who tell us with smug piety that it is not proper to interfere between the child and its parents and that therefore child-labor laws are not to be thought of, so we had medieval-minded citizens in New York City in 1874. It is a breed that is not easily exterminated. These same citizens blocked the efforts to rescue this defenseless child at every turn by uttering the trite philosophy that the custodian of a child should not be interfered with in managing its ward.

Finally this same anticruelty society in desperation said that every human being at any rate was basically an animal, and it prosecuted the custodian of this child for cruelty to animals. The child was brought into court, not as a human being but as an animal.

The American Humane Association was thereupon established by Elbridge T. Gerry, the father of Senator GERRY, now a Member of the United States Senate. This organization was established to extend the same protection to defenseless human beings that had been only a short time prior thereto conferred upon the animal creation in a few sections of the United States.

[Here the gavel fell.]

Mr. ENGEL. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. SHORT. Will the gentleman yield?

Mr. HARLAN. I yield to the gentleman from Missouri.

Mr. SHORT. Being a horse lover myself, and the gentleman's eloquent plea almost brings tears of sympathy to my eyes, and coming from Missouri, I trust the gentleman from Ohio will extend the provisions of his bill so as to give the benefits of it to that poor dumb beast of burden, the lowly jackass.

Mr. HARLAN. I have anticipated the gentleman, not to the extent of the jackass, because I do not believe Uncle

Sam has many of those animals being used for work purposes, but I have extended this bill to the Missouri mule. I have no desire to overlook any Republican voters in Missouri.

When this auction of horses occurred last summer, Gen. Hugh S. Johnson, who, when he is not animated by personal dislikes, is a very broad-minded and human individual, made these remarks in one of his newspaper accounts:

A horse at 20 is equivalent in old age to a man between 80 and 90.

All Government horses are well cared for where they serve, but what do you suppose will happen to these decrepit veterans after the auction?

On experience, what will happen to them is a few final months of cruel service in starvation. They won't bring enough to pay the expense of sale and cost of keep to date of delivery. The transaction would be much more creditable to Uncle Sam, economically and ethically, if it consisted simply of a merciful 45 bullet.

More merciful and creditable still, on a Government farm presumably with a pasture, would be to pension off such veterans, with grazing space in summer and a little experimental fodder in winter. It wouldn't be for long.

It is easy to become sentimentally mawkish about these animal affairs. The intensely practical and too frugal French would frankly slaughter these old servitors and peddle their flesh as a secondary meat ration—a procedure after all, far more merciful than the sale of faithful equine Uncle Toms to unidentified Simon Legrees down the river of starvation, abuse, and misery.

The Blue Cross, the S. P. C. A., or somebody ought to get after this.

If a private owner of a horse that had served him faithfully from 15 to 18 years sold its aching body off for a couple of dollars, to drag out its dreary life pulling a rag picker's wagon on a diet of shavings, he wouldn't be popular with the neighbors.

But its O. K. for the Federal Government. Something ought to be done about this.

Mr. Chairman, this bill is now pending before the Committee on Expenditures in the Executive Departments. That committee is composed of the gentleman from Missouri, JOHN J. COCHRAN, as chairman, and the following additional members: ALLARD H. GASQUE, of South Carolina; WILLIAM M. WHITTINGTON, of Mississippi; GLENN GRISWOLD, of Indiana; BEN CRAVENS, of Arkansas; JAMES L. QUINN, of Pennsylvania; JAMES A. O'LEARY, of New York; DON GINGERY, of Pennsylvania; JAMES J. LANZETTA, of New York; ELMER L. WENE, of New Jersey; WILLIAM S. JACOBSEN, of Iowa; LAURENCE F. ARNOLD, of Illinois; WILLIAM J. FITZGERALD, of Connecticut; JOHN F. HUNTER, of Ohio; LUTHER PATRICK, of Alabama; MERLIN HULL, of Wisconsin; CHARLES L. GIFFORD, of Massachusetts; CLARE E. HOFFMAN, of Michigan; BERTRAND W. GEARTHART, of California; D. LANE POWERS, of New Jersey; GEORGE J. BATES, of Massachusetts.

I am placing these names in the RECORD so that if the Members of this House desire to see a bill of this kind passed they can communicate with their friends on this committee to the end that an early hearing may be granted.

This is a bill for which no lobbyist will appear at your door offering either threats or promises. Your support of this bill will bring no promise of votes or campaign contributions. You will not even receive an expression of gratitude from the dumb animals who alone will be benefited. You will receive nothing but the self-gratification of knowing that you have at least cast one vote that will be chalked up to your credit as being a human being.

Inquiry at the Procurement Department discloses that there are very few of these horses and mules sold, probably not to exceed 100 a year, scattered all over the United States and its possessions, but that is just 100 cases of ingratitude and needless cruelty on the part of our Government. It is needless because the revenue received is but a pittance and too small for any country, especially the United States, to acquire at the expense of misery and suffering. In the words of General Johnson, "Something ought to be done about this." [Applause.]

[Here the gavel fell.]

Mr. TERRY. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I do not want to take up much of the time of the Committee to give a full explanation of the bill, because on yesterday the very able chairman of this Subcommittee on Appropriations went fully and thoroughly into the

details of the bill. This being an appropriation bill, it deals largely with statistics and figures and not with policy. However, I want to direct a few remarks to some matters of policy that seem to me to be important with reference to our defense program in connection with air defense.

I realize that in order to have proper and adequate national defense it is necessary that we should have to foot a large bill. On account of the higher wage standards and living standards in the United States, our national-defense system and program cost a great deal more money than the defense programs of other nations. The United States, although one of the largest and richest nations in the world, is seventeenth in the rank of its Army among the armies of the world. I feel that the size of our Army today is not out of proportion with its task.

I am one of those who believe that the Navy is and should be our first line of defense. Last week we authorized a huge sum, which will place the Navy of the United States among the first navies of the world. While we are building an adequate Navy, we should not forget that the United States ought to have an Army in proper proportion to meet its functions on the continental shores of the United States and our foreign possessions.

One of the most popular branches of national defense is the air force. Among the nations of the world it is commonly agreed that an adequate air force is necessary and essential in a well-balanced program of defense; yet, Mr. Chairman, the Air Corps is one of the most expensive parts of our national defense.

Last year the naval air force cost about \$80,000,000, as I understand it, and this year we are appropriating for the Air Corps the sum of \$113,000,000, which is about 28 percent of the total appropriated for the Military Establishment for the year 1939. Of this about \$70,000,000 is direct and \$43,000,000 indirect.

We have provided in our program for the Air Corps of the Army to be completed by July 1940, 2,320 planes. The testimony taken before our committee shows that the expense to take care of a complement for 2,320 planes will be \$143,000,000 plus. I do not know just what the program for the Navy planes will cost, but if the cost for the 2,300 Army planes runs around \$143,000,000, and the Navy planes cost as much, you can appreciate that the program covering air defense will reach enormous proportions. I am not criticizing the air force.

It is an essential branch of our national defense, but as far as possible we should coordinate the air force of the Navy and the air force of the Army, so the equipment of this branch of our national air service may be procured as cheaply as possible, and so the two branches of the service shall not in any way duplicate each other any more than can possibly be avoided.

Last week the committee agreed to an amendment to the Vinson bill which authorized not less than 3,000 planes for the Navy. I am informed that no hearings were held on the question of whether or not this number of planes was necessary; nevertheless an amendment was adopted on the floor of the House authorizing not less than 3,000 planes. If we add the 3,000 planes built and to be built for the Navy, to the 2,320-plane program of the Army, we will have 5,320 planes. This will place us second among the nations of the world in number of planes. As I understand, Great Britain has now approximately 5,600 planes and stands first in number. Great Britain is in a different situation from the United States, because it has that far-flung, sprawling empire which spreads its length and breadth all over the world. It is necessary that Great Britain have a huge navy and a huge air force; yet when we look at the component parts of the Navy and the Army program of Great Britain we see that Great Britain with its enormous Navy, and with its colonies all over the world, has a naval air force of less than 500 planes while its Army air force consists of about 4,100 planes.

[Here the gavel fell.]

Mr. TERRY. Mr. Chairman, I yield myself 10 additional minutes.

France, with an air force of approximately 2,300 planes, has only about 157 naval planes.

In this country we have adopted the policy of a ratio of about 60 to 40 for the Army and Navy airplanes. During the hearings I asked General Westover to give me the program as to authorization and the ratio between the Army and Navy planes. In his testimony on page 487 of the hearings he said it was the opinion that the relative expenditures for aviation for the national defense should be about 60 percent for the Army and 40 percent for the Navy, and that the Secretary of War approved the joint board report submitting the two programs on September 18, 1934, subject to the following qualifications:

The appropriations for the Air Service, Army and Navy, should be considered at the same time by the same congressional committee, and suitable division of the funds appropriated made by Congress, based on the requirements of each Service and for combined needs.

It is further shown that the Air Corps Act of July 1926 authorized a total of 1,800 planes for the Army. The act of June 24, 1926, authorized a total of 1,000 planes for the Navy. This is a ratio of about 18 to 10, and this ratio existed up to the passage of the Vinson-Trammell Act on March 27, 1934, which authorized the Navy to have additional planes commensurate with the size of the Navy.

General Westover further states:

There appears to be an indication of acceptance of the ratio of 18 to 10 over a period of 8 years from 1926 to 1934. This ratio is approximately 55 percent for the Army to 45 percent for the Navy and is the one in existence at the present time.

I particularly want to call the attention of the Committee to the fact that in view of the enormous cost of air defense, this Congress, in my opinion, should adopt some means of having better control of and more coordination between the two branches of the Air Service.

Mr. MAVERICK. Mr. Chairman, will the gentleman yield?

Mr. TERRY. I yield to the gentleman from Texas.

Mr. MAVERICK. In connection with coordination, Does the gentleman see any reason the Navy should have more airplanes than the Army? Is there any sense to that?

Mr. TERRY. I am not quarreling with the Navy for having a lot of planes. I am not saying the Army should have all the planes. I do say, however, that in spite of the fact that the ratio adopted is on the basis of from 55 to 60 for the Army and from 40 to 45 for the Navy, all of a sudden last week, in the Navy bill, without any hearings and without any consideration, we entirely disrupted the proportion of planes as between the Army and Navy that has been adopted and recognized throughout the years we have been building up the air force.

Mr. KITCHENS. Mr. Chairman, will the gentleman yield?

Mr. TERRY. I yield to the gentleman from Arkansas.

Mr. KITCHENS. Has the gentleman's committee considered the question of whether it might be well to put all the aircraft of the United States in one division and have one head for all the aircraft service?

Mr. TERRY. We did not go into the consideration of whether there should be just one department of air defense, but I understand there is a joint board of control coordinating policies as between the Army and Navy, and it is supposed that all questions in regard to policy are to be worked out by that board. However, I do not know how well this board functions, and certainly there was no coordination in the action taken last week in arbitrarily raising the naval air force to not less than 3,000 planes.

Mr. MAVERICK. As a matter of fact, the joint board has not met for over a year.

Mr. TERRY. I do not know whether it has or not.

Mr. MAVERICK. I believe that is correct.

Mr. ENGEL. Mr. Chairman, will the gentleman yield?

Mr. TERRY. I yield to the gentleman from Michigan.

Mr. ENGEL. The question of combining the air forces would be a question of policy to be determined by the Com-

mittee on Military Affairs and would not come under the jurisdiction of the Subcommittee on Appropriations.

Mr. TERRY. It certainly would not come under the jurisdiction of the Subcommittee on Appropriations. I do not know that the Committee on Military Affairs should determine that question by itself, and that is the point I want to reach now.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. TERRY. I yield.

Mr. CASE of South Dakota. Even though we might not have unified direction of the two air forces, would it not be helpful in the deliberations of the Congress if we could have a combined picture of our total air strength?

Mr. TERRY. I think that is correct, and in this connection, Mr. Chairman, I want to submit this proposition to the Committee:

We have a Naval Affairs Committee and we have a Committee on Military Affairs. Naturally, each of these committees looks at the problem from the standpoint of the particular branch of the service it represents.

This is human nature and perfectly natural, and to a certain extent this influence might tinge the actions of the War Department and naval subcommittees of the Committee on Appropriations; and it seems to me that in order to avoid this partisanship, if I can use that term, and to put the House in position to have a proper coordinated program, we should have a new committee in this House, say, a committee on national defense, a committee that would coordinate these two branches of our national defense. Such a committee could be composed of members of the Military Affairs Committee and members of the Naval Affairs Committee, supplemented by members of the subcommittees of the Committee on Appropriations on the Army and the Navy; and also we might have on that committee some men from the Foreign Affairs Committee, or it might be a committee composed entirely of men not connected with either the Military Affairs Committee or the Naval Affairs Committee. It seems to me it would be a good thing to have a committee on national defense so that when questions come up involving a matter in the twilight zone, if I may use that expression, as between Army and Navy functions, and especially between functions of navy aviation and army aviation, this Committee on National Defense could take up the question of policy and settle it.

Mr. Chairman, when the airplane was in its infancy and when it was first placed on battleships and cruisers, it was known as the eye of the Navy, and its only function was to go up in the air and act as an observer for the naval vessel, but with the passing of the years, the small airplane, which was used for the purpose of observation only, has become a giant in size and in importance, even to the extent of supplanting the great battleship from whose deck it formerly flew. [Applause.]

[Here the gavel fell.]

Mr. ENGEL. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa [Mr. GWYNNE].

Mr. GWYNNE. Mr. Chairman, in his Budget message the President called attention to the advisability of power in the Executive to veto separate items in an appropriation bill. He called upon Congress to decide whether this result should be accomplished by a constitutional amendment or by some other means. I dare say to accomplish this by a constitutional amendment would have its advantages. However, I am of the opinion that the same result can be accomplished without the necessity of a constitutional amendment.

Article I, section 1, of the Constitution provides as follows:

All legislative power herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives.

In construing this section, it is necessary to consider other pertinent sections as well as the general intent of the instrument as a whole. While the section provides that "all legislative power . . . shall be vested in a Congress . . ."

it is clear that the framers were referring here only to affirmative legislative power. In article I, section 7, they gave legislative power to the Executive in the following language:

Article I, section 7: Every bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a law. But in all such cases, the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within 10 days—Sundays excepted—after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return, in which case it shall not be a law.

The courts have held that this provision confers upon the Executive legislative power. The legislative power of the Executive is purely negative in character, and even that power of negation is subject to being overruled by a two-thirds vote of Congress. In brief, Congress is the sole repository of affirmative legislative power—that is, the power to say what the law shall be. The Executive has only the power to say that a certain measure adopted by Congress shall or shall not be the law. However, the right and duty of the Executive to exercise this negative power as his judgment dictates is as clearly expressed in the Constitution as is the right and duty of Congress to perform its part of the legislative function. This is clearly borne out not only by the language of the Constitution but by the history of the veto power in Anglo-Saxon government.

In an early day in England the Crown possessed all the powers of legislation. The rise of the English Parliament first restricted this power of legislation to a negative power of veto, and finally abolished it altogether—the last veto being by Queen Anne in 1708. In the American Colonies the veto power had a different history. In all the Colonies the governor could veto legislation, and in all but Maryland, Rhode Island, and Connecticut the King could veto a bill, even after it had been approved by the Governor. The King used the veto power freely to prevent acts of the Colonies injurious to the mother country. This abuse of the veto was complained of in the Declaration of Independence. After the beginning of the Revolutionary War the American Colonies limited the veto power of their respective Governors. In no State but Massachusetts did the Governor have even a qualified veto over legislation, and that not until the Constitution of 1780 was adopted. Under the Articles of Confederation there was, of course, no Executive veto.

The framers of the Constitution were of course familiar with this history. They knew both the advantages and disadvantages of the Executive veto, and the subject was very carefully discussed at the Constitutional Convention. It was their general purpose to create a government consisting of three coordinate branches—legislative, executive, and judicial. In order to maintain such a government it was necessary not only to carve out the place of each branch in the whole scheme, but also to declare certain fundamental principles for keeping each in its respective sphere. The power of veto was given to the President as a check on the lawmaking powers of the Congress. The delegates evidently had in mind two main purposes: First, the protection of the executive branch from encroachment by Congress; second, the prevention of hasty and ill-advised legislation. This was well expressed by Alexander Hamilton in the following language:

It establishes a salutary check upon the legislative body, calculated to guard the community against the effects of faction, precipitancy, or of any impulse unfriendly to the public good which may happen to influence the majority of that body. (Federalist, No. 73.)

Beginning in 1820, the use of the rider, often attached to an appropriation bill, became prevalent and often reduced the Executive veto to a nullity. By rule, the House of Rep-

resentatives subsequently prohibited this practice. However, the practice of assembling appropriations in large bills containing hundreds of separate items on wholly unrelated subjects is rapidly accomplishing the same result.

Many of the States confronted with this problem have met it by constitutional provisions definitely giving the executive the power to veto a separate item of an appropriation bill. Thirty-nine States have taken such action. As opposed to this plan of protecting the integrity of the executive veto by constitutional provision, the Federal Constitution leaves the matter to the good faith of Congress. The Constitution is after all not a mere compilation of legalistic rules. It is rather the pattern of a certain philosophy of Government. It states general principles rather than detailed procedure. The fundamental object of the Constitution was to create a Government of laws as distinguished from a Government of men. It sought to accomplish this by dividing the powers of Government among three independent and coordinate branches, each one of which should be a check on the other. It is to this fundamental principle rather than to any mere declaration in the Constitution that the citizen must look for the protection of his property, his liberty, and even his life. The Constitution does little more than to create these three branches and draw the line between them. It seeks to maintain that division for all time by setting up certain checks and balances. In the last analysis, however, the preservation of that form of government is not to be sought in any mere words written on paper, but rather in the acceptance of that philosophy of government of which the words themselves are the mere evidence. Such a government can only be maintained if each independent branch thereof recognizes the rights and duties of the others and protects them as actively as it protects its own.

In the matter of legislative procedure the Constitution simply says:

Article I, section 5: Each House may determine the rules of its proceedings.

This was intended as a broad and comprehensive grant of power and has so been recognized by all three branches of the Government. In construing the right of Congress to make rules, the Supreme Court has said in *United States v. Ballin* (144 U. S. 1):

It (the House of Representatives) may not by its rules ignore constitutional restraints or violate fundamental rights, and there should be a reasonable relation between the mode or method of proceeding established by the rule and the result which is sought to be attained. But within these limitations all matters of method are open to the determination of the House, and it is no impeachment of the rule to say that some other way would be better, more accurate, or even more just. It is no objection to the validity of a rule that a different one has been prescribed and in force for a length of time. The power to make rules is not one which once exercised is exhausted. It is a continuous power, always subject to be exercised by the House and within the limitations suggested, absolute and beyond the challenge of any other body or tribunal.

In that case, the Supreme Court called attention to the fact that the Constitution required the presence of a quorum, but set up no method of making this determination and that it was therefore within the power of the House to prescribe any method which would be reasonably certain to ascertain the fact. The right of Congress to make rules for the purpose of legislation is so broad and final that the Supreme Court accepts the complete law as it has passed Congress and been signed by the President and deposited with the Secretary of State, as the law which passed the House in accordance with their rules, and will not have recourse to the Journals of the respective Houses to prove the contrary.

Attention has been called to article I, section 7, which provides that "every bill shall be presented to the President of the United States * * *." Webster defines a bill as follows:

A form or draft of a law presented to a legislature but not yet enacted, or before it is enacted; a proposed or projected law.

The term "bill" as used in the Constitution does not have any definite or technical meaning and apparently had none

at the time of the adoption of the Constitution. It is simply a vehicle for carrying proposed law through the legislative bodies. There is no constitutional requirement that it shall be in any particular form, or that it shall contain any designated elements. It is simply a device by which the legislative will is expressed concerning suggested legislation. Neither usage nor constitutional limitation requires us to attach any technical or restricted meaning to the word "bill" which will prevent the carrying out of the real intent of the framers in adopting the Executive veto. We must, as in all construction of the Constitution, look to substance and not to mere form.

In *State v. Platt* (2 S. C., 150), in discussing the meaning of the term "bill," the Court says:

In a technical sense, the term "bill" is applicable properly to the enactment as a whole. Although the technical use of words should prevail where not inconsistent with the clear intent of the instrument, yet when such intent requires that words should be used in the larger sense, it is competent so to regard them. If we should hold that the Constitution regards the enactment as a whole, in an exclusive sense, we would be led to the inevitable conclusion that to become a law, all the substantial parts of the measure must have together passed through all the requisite stages. The consequence of this would be that alteration in a substantial part during such progress would be fatal to the whole bill.

Forced upon the opposite construction that every substantial part of a bill is to be regarded as a bill in the sense of the Constitution, we find nothing in our way but the technical import of the term "bill." It is not easy to perceive why, if any detached part of a statute is a law within the meaning of the Constitution of the United States forbidding States passing laws impairing the obligation of contracts, any part of a bill is not a bill under a clause intended to secure deliberation in the passage of legislative enactments. Such a conclusion is inevitable, if regard is had to the fixed principles governing constitutional construction. The objects had in view by a constitution in government are habitually substantial; matters of form are usually left to the legislative body, as subject to change with the progress of ideas and events. The great objects in view in framing a constitution are the division and distribution of the powers of government, the establishment of limits and boundaries beyond which they shall not be exercised, and the creation of an efficient responsibility, tending to restrain and furnish the means to correct neglect or abuse of public authority. Clauses having for their object the creation of responsibility in the exercise of political functions are, to a large extent, intended to act upon the motive, either by way of creating inducement for right action or removing the temptation or opportunity to such abusive exercises. This is in part accomplished by fixing the responsibility for all political action in some definite person, or body of persons, by securing deliberation in the performance of public acts, and by ascertaining modes of authentication and action in important cases vitally affecting the welfare of the state. It is obvious that, in construing clauses of this class, substance rather than form is to be considered. The object to be secured is to be sought for not alone in the formal expressions of the Constitution, nor yet in the technical character of the means employed to serve its ends, but in the nature of the subject intended to be acted upon through such means. In a word, the language of the Constitution in such cases is to be construed in the largest sense fairly attributable to it and that will best subserve the objects it has in view.

The independent offices appropriation bill which passed the House recently carried appropriations for 39 separate establishments with several hundred items appropriating approximately one and one-half billion dollars. Each independent office might have been the subject of separate legislation, or each item might have been presented separately. In either event the instrument before Congress would properly be called a bill. To paraphrase a famous statement, a bill is what the Congress says it is.

Article I, section 7, simply means that all legislation which has passed the Congress must, before it becomes law, be presented to the President. The intent of the Constitution is that legislation shall be a result of the meeting of the minds of the Congress and of the Executive—the former affirmatively creating the legislation, and the President exercising his right of affirming or denying.

The method by which this result is to be accomplished is left largely in the discretion of Congress. For example, a provision could be put in each appropriation bill stating definitely that for the purpose of the Executive veto each item shall be considered as a separate enactment of the Congress

and subject to a separate veto. There are, no doubt, other ways by which this result could be obtained. [Applause.]

Mr. ENGEL. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I have enjoyed the work on this committee and on the subcommittee immensely. I have enjoyed not only the work but the association with men on both sides of the aisle whose duty it has been to prepare this bill and to hold hearings thereon.

The hearings on the measure cover approximately 800 pages after cutting out everything the committee thought might be superfluous. Necessarily, after spending hours and hours in the committee room the work became rather tedious. There is nothing in the bill or in the hearings that in my judgment is controversial and I would not speak on the measure were it not for the fact that there is one statement in those hearings that I believe is so outstanding that it deserves especial mention. The statement I refer to is found on page 697, of the committee hearings, and was made by Lt. Col. John P. Frey, president of the metal trades department of the American Federation of Labor.

In commenting upon this statement I do not want anything I say to be construed as impliedly or in any other way critical of any labor organization. As I sat in the committee room and listened to Colonel Frey, I was so impressed that I determined to call the attention of the House to that statement.

Colonel Frey, in commenting upon the citizens' military training camps, used the following language:

It so happens that I hold a commission as a lieutenant colonel in the Specialists' Reserve.

In no other country in the world are there trade-union officials holding as high office and having an interest, the same type of interest, in national defense.

As a result of the efforts of many of us, the American Federation of Labor officially declares itself in support of the citizens' military training camps. That does not exist in any other country. This is the only country where the War Department and the national trade-union movement have an exchange of officers, in liaison, so that there is an official contact.

In view of that fact, it is important, it seems to me, for the committee to keep in mind that when this trade-union movement officially comes before it—and I am speaking now as a trade-union officer, as a representative of all international unions of metal workers in the country—when they come before you in connection with the necessary appropriation for military training camps, serious consideration should be given to their requests.

We have contacts, as trade-union officials, which come to no other type of citizens. We know something of the activities of subversive influence in this country that others do not come in contact with in the same way.

We are constantly in contact with the influence of young men going through many of our universities, who acquire more un-American ideas by listening to some of their professors than can be eradicated from them in a lifetime.

Part of our work as trade-union officials is to build up the sane, independent knowledge of what American institutions are. I do not have to tell you, because it is well known, of our constant activity to prevent subversive influences from developing within the American trade-union movement, because that is where the damage is always done, if history gives us an accurate picture of what has been taking place in Europe during recent years.

So we come to you as trade-union officials, urging you to give an appropriation to the citizens' military training camps which will give some of our young men an opportunity of acquiring an understanding of American institutions, which probably can be acquired in no other way, and at least to that extent help us overcome these subversive influences, which everyone is familiar with, and which are so active in our country at the present time.

Mr. Chairman, I want you to know that in what I am saying I am voicing what President Green would say if he were here, because I am here partly at his request, although I would have been here anyway; but I am speaking for President William Green, of the American Federation of Labor, and what he and the Federation stand for in protecting our American institutions, when I urge the committee to provide an appropriation for these camps which would give young Americans an opportunity of knowing more about the institutions of their country, and of being better prepared to come into contact with these subversive influences which have undermined the government in a good many other countries which are without that support of a trade-union movement such as we have here at the present time.

I think in view of the fact that the American Federation of Labor has officially endorsed these camps and is doing what it can in a general way to protect our institutions, that it would be exceedingly unfortunate, and it would be a great disappointment to them and to the young men who want to go to these camps to find that in our country the necessary appropriations are not being made to

give these young men a little of the training which is so necessary if we are going to have the right kind of citizenship.

Mr. Chairman, in this day and age when we hear so much about subversive influences, it is refreshing and encouraging to find statements such as I have read, coming from officials of a great labor organization. I congratulate the American Federation of Labor upon having a leadership which places Americanism upon such a high pedestal. [Applause.] I believe every American who reads this statement made by Lieutenant Colonel Frey and by Mr. William Green will agree with me in saying that so long as we have men such as these in a great labor movement, we need not worry about communism nor fascism. I thank God that the American Federation of Labor had ever had leadership such as this, whether under Samuel Gompers, William Green, or Lt. Col. John P. Frey. I thank God that we have blue-blooded, loyal, patriotic, liberty-loving Americans at the head of this great organization. God bless them. [Applause.] Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ENGEL. Mr. Chairman, I yield 10 minutes to the gentleman from South Dakota [Mr. CASE].

Mr. CASE of South Dakota. Mr. Chairman, I am much interested in the remarks of the gentleman from Arkansas [Mr. TERRY] in regard to the Air Corps and air development. In the committee report I notice the amount recommended by the Budget and by the committee under the head of "Air Corps, Army", is a total of \$70,556,972. It was my understanding, when the naval increase bill was under consideration, that the approximate cost of one of the new superbattleships would be about \$70,000,000 and, I ask the gentleman, if my understanding is correct, then, that the total amount asked for the Army Air Corps in this bill is approximately the equivalent of the cost of one of these battleships?

Mr. TERRY. Seventy million dollars, approximately, if that is the cost of a battleship.

Mr. STARNES. More than \$70,000,000 is carried in the bill for the air force. The total amount carried in the bill for that purpose is \$102,000,000.

Mr. TERRY. The other costs of \$43,000,000 are made up of pay of the Army, radio, Signal Corps, and all other expenses of the air forces.

Mr. CASE of South Dakota. And it was repeatedly brought out in the debate on the new Navy bill that the \$70,000,000 battleships would cost from eighty to one hundred millions by the time they are commissioned. I merely want to add in comment that I think it is the belief of most of the people that I know that they have more confidence in the defensive ability of either the Air Corps in the Army or the air forces of the Navy than they have in the addition of one battleship, and as far as I am concerned and as most of the people in my part of the country are concerned, they would rather see the air forces extended than to see a super-cruiser built.

I am struck also by the concluding sentence in the committee report relating to the Air Corps, which reads as follows:

There is evidence in the possession of the committee that we greatly excel any power in the world in naval aviation, and that, from the standpoint of project airplanes on hand, on order, and remaining to be ordered under funds heretofore made available, both Army and Navy, we are only excelled by the British Empire.

Mr. TERRY. I understand that that is correct. At the present time, of course, our Army air force contemplates a program of 2,320 project planes to be completed by June 1940, but, of course, in the meantime the situation of the other nations may have changed.

Mr. CASE of South Dakota. I wonder if the gentleman could tell me what these new planes cost, such as were recently used in the trip to Argentina, those flying fortresses?

Mr. TERRY. I understand that Army planes of the type of the flying fortresses under the command of Col. Robert

Olds, that went to South America and made the wonderful trip back here in about 11 hours, cost about \$250,000.

Mr. CASE of South Dakota. Two hundred and fifty thousand dollars per plane?

Mr. TERRY. Yes.

Mr. CASE of South Dakota. Speaking for one, I feel if the Army will build a few more of those planes we will not need to build so many \$70,000,000 battleships. Which means more defense—one of those ships or 280 flying fortresses? I endorse the suggestion of the gentleman for some sort of a committee that will give us a picture of our combined strength in planes, Marine Corps, Army and Navy, and hope the information will be made available to the country and to the Congress. I think it would be very valuable.

Mr. TERRY. I am glad the gentleman agrees with me.

Mr. CASE of South Dakota. I yield back the remainder of my time.

Mr. ENGEL. Mr. Chairman, I yield 15 minutes to the gentleman from Michigan [Mr. DONDERO].

Mr. DONDERO. Mr. Chairman, the bill before us, H. R. 9995, making appropriations for the Army, totals some \$447,000,000. In this session of Congress we have also had before us a bill appropriating \$553,000,000 for the maintenance of the Navy. In addition to that we had a special bill, so to speak, asking for approximately \$1,250,000,000 more for a super-Navy, totaling about \$2,250,000,000.

That amounts to a little more than \$27,200,000 per day for every day that has elapsed since the 1st of January 1938. To put it another way, it means a little more than \$1,000,000 for every hour that has elapsed since we came to Washington for this regular session of Congress.

From the report of the committee I notice that about \$124,000,000 is set apart for, or allocated to, the building of the air defense of our Nation. I doubt if there is a Member on the floor who is opposed to that. I bring no expert knowledge, information, or experience regarding the maintenance of the Army or the Navy, but I bring to this body a layman's point of view. It seems to me that this branch of our Army does mean a great deal to our national defense, and all of us should be for that part of this bill. I do not think there is any particular controversy in this body over the bill now before the House for consideration. Every Member has been receiving letters from back home. We have received letters from businessmen and corporations large and small appealing to the Members of Congress, telling what in their judgment was wrong and what ought to be done to bring about a better day. After all, the real test of whether what we are doing in this body is sound or unsound comes in the application of the laws which we pass, and I believe it is wise to listen to the people who are actually and vitally affected thereby.

I think it would be somewhat illuminating and perhaps informative to this House if we placed in the RECORD some of the complaints that are being made and suggestions offered to make conditions better. After all, no matter on which side of the aisle we sit, the first concern of every Member is what is best for our people and our Government. This should transcend all party considerations, because before we are Republicans or Democrats we are Americans; and no matter what our beliefs may be, we travel in the same direction, to make our country and our people better and happier. [Applause.]

I have received a good many letters, I would say perhaps 200, from as many different corporations and individuals. I have selected about half a dozen which I think give a cross section of opinion on how some of the laws we have passed are affecting people back home who are trying to do business under trying circumstances. For the benefit of the House I am going to quote a few of these letters. Here is one from a service station in the city of Detroit which employs 115 men. Their pay roll in 1937 was \$214,000. In taxes to the Federal Government they paid \$73,000. The amount of money they returned to their stockholders who had their money in the business was \$3,800. The gross sales of this company were \$1,570,000. I call attention to the

fact that the stockholders got about one twenty-fifth as much as the Federal Government got out of that corporation, or about 4 percent of what was made.

From another company in the city of Lansing, Mich., comes this letter. I do not know these people; they do not know me except that I am a public servant from that State. This is what they say, and I quote:

Little attention has been called to the serious effect the social-security tax is having on the small industries of the country. I believe you will agree that the small industries are a vital part of our national production and pay roll. There always has been and always will be a large percentage of these small industries that operate year after year with but a very small profit or even at a loss. Yet they provide jobs for hundreds of thousands of employees throughout every small town and city in the country.

The social-security tax has set up a continuous monthly burden on these small industries that will not only absorb what little profit they have made in the past, but will gradually eat into their working capital until they will be obliged to close their plants. As a specific example, I am citing our own business, organized 25 years ago. Each year up to 1930 we have shown an operating profit of approximately 10 percent on our capital and surplus, out of these earnings had been accumulated a surplus of \$80,000. This surplus was depleted from \$80,000 to \$17,000 during the years 1930 to 1935, a very large portion of which was paid out in salaries and wages in carrying our organization through the depression.

In 1937, notwithstanding the fact that we had the largest sales in our history, we lost 3 percent on our capital stock. Social-security and other taxes totaled 4.5 percent of our capital stock. As indicated by our first 2 months' operations, our loss for the first 6 months of 1938 will total 15 to 20 percent of our capital stock. It can readily be seen that this loss taken from our working capital will necessitate closing our plant, or refinancing, which of course would be impossible in the face of such a record.

Another industry here in our city paid out \$90,000 social-security tax last year, notwithstanding the fact that they haven't made a dollar profit since 1928, and during this time have depleted their capital and surplus about 60 percent. It is acknowledged by every manufacturer that one of the reasons that pay rolls dropped so suddenly during the present severe depression is because of this tax on pay rolls, and the employer in self-defense cuts the pay roll.

This social-security tax is a constant drain that continues whether profits are made or not, and it is my opinion that it will wipe out 40 to 50 percent of the small industries of the country unless relief is given.

This presents one of the most serious problems imposed by the social-security tax. There is no difference of opinion, as I see it, as to the objective we all desire to attain through social-security taxes; that is, security in old age when people are no longer able to maintain themselves.

Mr. THOMPSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. DONDERO. I yield.

Mr. THOMPSON of Illinois. Does not the gentleman think the social-security taxes form part of the cost of a business, just the same as fire-insurance premiums, interest on borrowed money, and other fixed charges that have no definite relation to the question of profit?

Mr. DONDERO. There is no question or doubt about that; and may I say to the gentleman from Illinois that I received a letter yesterday, which I am going to put in the RECORD, from a firm in the city of Detroit that was not permitted to deduct as an operating expense what they paid out in social-security taxes. That was placed over on the profit side of the ledger, and even though that company operated at a loss, it was compelled to pay an income tax, and it had to go out and borrow the money.

This letter is somewhat informative of conditions in small industry and comes from a Detroit firm I never heard of before. The letter states as follows:

But the tax collector comes along and says that the social-security and unemployment tax wasn't expense. He said that was profit. It certainly seemed to be expense as we sweat to get the money to pay it. But he took it out of our expense column and put it over into the profit column and charged us an income tax of \$266.83.

Actually this makes our net loss \$437.70 on the year's operations. I don't know what your experience in business has been, but you probably know that every nickel of expense connected with business has to be paid out of the net income of the business. Our net sales were \$73,793.66. Raw materials and labor cost ran to \$50,773.50, and the multitude of other expenses, including the pay-roll tax, wiped out all of the balance. I myself draw a salary

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of less than \$50 a week to keep down expenses so that the business could make ends meet. Now the Government says that the expenses we had weren't expenses at all; they were profit. So we had to pay income tax on our expenses.

It seems to me just as reasonable to pay income tax on the rent we pay, and the raw materials we buy, or the telephone service, as to pay income tax on the amount we paid out for labor, whether that labor be in the form of social security, or unemployment, or direct pay roll.

How in the name of common sense can the Government expect a business of our size to stand a pay-roll tax of \$2,000 and then pay an income tax on this pay-roll tax of \$266.83 and still stay in business?

We had actually a net loss for the year of \$170.87, and yet we are required to pay an income tax of \$266.83. Nearly one-fifth of my little \$50 a week may have to be returned to make up the loss. Why should a man stay in business? Why should he lose money merely to make work for others if the Government seizes all he earns so he can't draw anything for himself?

Mr. SWOPE. Will the gentleman yield?

Mr. DONDERO. I yield to the gentleman from Pennsylvania.

Mr. SWOPE. I may say your correspondent has probably consulted the wrong tax man because, first of all, he does not have to consult a tax man to make his 1937 return. The 1937 return is made to the Bureau of Internal Revenue, Treasury Department, and if the gentleman has been informed that his social-security taxes are not expenses he has been wrongly informed and I suggest that he take the matter up with the Bureau of Internal Revenue.

Mr. DONDERO. I think the suggestion is a wise one.

[Here the gavel fell.]

Mr. ENGEL. Mr. Chairman, I yield the gentleman 10 additional minutes.

Mr. DONDERO. Mr. Chairman, yesterday I sent down to the Department of Labor for some figures. I also sent over to the document room for a copy of the Wagner Labor Act. The first four lines of that act read as follows:

The denial by employers of the right of employees to organize and the refusal by employers to accept the procedure of collective bargaining lead to strikes and other forms of industrial strife and unrest.

That act was passed to bring industrial peace to our country. What it has actually done, however, has been to destroy whatever industrial peace might have existed at the time the act was passed. It was approved by the President on July 5, 1935, and has been operative during the years 1936 and 1937.

In 1936 the number of strikes in this country numbered 2,172. In 1937, a year later, the number of strikes rose to 4,650, or more than double the number of strikes the year before. That is not the saddest part of the tale, however. The distressing part is that in 1936 the strikes involved 788,000 men, who lost a total of 13,900,000 days of pay. In 1937, last year, this number rose to 1,875,000 men who were rendered idle and 28,000,000 man-days were lost to the laboring men of this country. The Department of Labor is just now closing its books, hence the 1937 figures are its best estimates.

Apparently what we intended to accomplish when we passed the act has not been done, but what has resulted is entirely the reverse. Everybody who reads the press knows that instead of industrial peace we have had industrial warfare during 1937. It is my humble judgment before a happier day comes to this country industrial warfare will have to cease. Long ago a man who sat in the Congress of the United States told his countrymen, and he was quoting from the Bible when he made the statement, "A house divided against itself cannot stand."

Today capital and labor is divided, Government and industry is divided, and even labor is divided against itself. If progress can come to a people under such conditions, then the whole philosophy of the Man who walked this earth 2,000 years ago and died on the cross, and who taught the children of men to "love thy neighbor as thyself," is all wrong.

What we need is more cooperation between the laboring man, the employer of labor, and business and industry generally before better conditions will return in this Nation.

It was refreshing and gratifying to read in the public press last night that the Senate of the United States at last has come to the conclusion that the principle of the undistributed-profits tax is wrong and should be entirely deleted from the revenue bill. On this side of the Capitol we did exempt all corporations that made \$25,000 or less profit per year. This affected the great majority of our corporations, but it did not affect the corporations which employed the majority of the men who have to work in factories for a living. To that extent it was wrong and retarded the business and industry of the country.

One more letter and I will conclude. I am going to give the name of the corporation in this instance. In the city of Lansing there is a corporation known as the Motor Wheel Corporation. Last year they paid in city taxes \$51,331.74; State taxes, \$61,995.71; State unemployment insurance, \$107,872.39; Federal taxes, \$427,144; Federal old-age taxes, \$53,633.57; and Federal unemployment taxes, \$11,452.06.

This tax represented \$237.89 for every man employed in that plant. It also represented a tax of 83 cents on every share of stock of that corporation.

What is worse, it represented 28.5 percent of the gross income of that industry. In addition, the company employees contributed \$53,000 to the Federal Government's old-age benefit fund from their 1937 pay checks.

The item continues:

People now living and not old can remember when there were no taxes to be paid the Federal Government. They said the people of America would not stand for Federal taxation. But now it is plain that America has turned over to Washington even the right to live.

I have a further item here which is some evidence of where we are going in this country when we speak of taxation. I have quoted one or two of these things before. It may be somewhat surprising and amazing to you to know that the public debt in the last 27 years has risen 3,100 percent, or more than 100 percent for every year that has elapsed in that period of time. You may be interested in knowing that the per capita debt of the Federal Government has risen from \$12.69 in 1910 to \$281.63, or an increase of 2,120 percent in 27 years. How long, Mr. Chairman, can the Federal Government travel in this direction before we arrive at the brink of bankruptcy? [Applause.]

Mr. TERRY. Mr. Chairman, I yield 10 minutes to the gentleman from Oregon [Mr. PIERCE].

Mr. PIERCE. Mr. Chairman, on page 4044 of yesterday's RECORD appears a statement to which I want to call your attention. It is in the remarks of the gentleman from New York [Mr. BACON]. I do not know how many errors appear in this statement, but I have never heard a more strenuous effort to make a mountain out of a molehill than was made then by our colleague, the gentleman from New York, in indicting the President of the United States and the Attorney General for disobedience to the Executive order of July 1936.

Included in the list on the page to which I call your attention is the State of Oregon and the gentleman mentions there are two post offices in that State in which the Executive order has not been followed. The first is Free-water, in my district. Last October a young man was appointed, on my recommendation, as acting postmaster. The examination was given as promptly as the Civil Service could give it. A name was sent to the Post Office Department and I was notified on March 5. I accepted the result without comment; yet Free-water is listed here by the gentleman from New York as one of the places where this great wrong has been done and where there has been a violation of the Executive order of our President issued in July 1936.

The second post office listed is North Bend. As to that post office I do not know the facts, but I will ascertain them. I do know of one exaggerated case of abuse in Oregon, and it is not listed and is not in my district.

I suggest each Congressman examine the list for post offices in his district. He will see that with respect to at least half of them everything has been done just as fast as

it could be done. In all the great State of Texas only 10 cases were listed. Think of it.

In the State of Michigan, which has 17 Representatives in Congress, there are only 11 postoffices to which the gentleman calls attention. This just shows to what length men will go to heap criticism upon the President.

I am not in harmony with the Executive order of July 1936. I believe postmasters should be elected by the patrons of the particular offices and Congressmen should be relieved of the duty of appointing them, but just think of the thousands of postmasters in the United States and the large number of examinations that have been held. Despite that, the gentleman from New York was able to find only 200 alleged violations.

There will be found in the CONGRESSIONAL RECORD of yesterday on page 4032 an attempted answer by the gentleman from Vermont [Mr. PLUMLEY] to what I said some days ago in this Well regarding Bonneville, the interest charges, and the cost of power from that public plant being constructed in the Northwest. I say it is an attempted answer. The gentleman from Vermont does not seem to grasp the real situation at all. He relies on Greenleaf for his proof against me. The gentleman states I made a mathematical error and devotes two pages and a half to a jumble of figures which I will answer in detail in a few days. I serve notice on the gentleman from Vermont as I would like to have him present, and I should also like to have present, if it were possible under the rules, the 100 or more representatives of the utilities who are in this city figuring out just this kind of amazing and misleading statements and seeking to put them in the RECORD to deceive the people in regard to the cost of electricity. I am going to make it so plain, even bringing the blackboard in here, that even a college professor or an ex-president of a college can understand.

The gentleman from Vermont [Mr. PLUMLEY] challenged my general statement that there was no rate discrimination between Boulder and Bonneville, based on interest charges and amortization payments. I still stand by my statement.

Mr. J. D. Ross, in testifying before the Interior Subcommittee on Appropriations, stated, referring to a comparison between Bonneville and Boulder, 3½-percent interest and a 40-year amortization gives just the same result as 4-percent interest and a 50-year amortization. This is the same Mr. Ross whom Mr. PLUMLEY refers to as being fair.

The fundamental error in Mr. PLUMLEY's calculation is that he considered the interest base as fixed. Under amortization the principal is reduced yearly by the amount of amortization repayment. If, for example, I should borrow \$100 at 4-percent interest, and agree to repay the loan at the rate of \$5 a year, at the end of the third year the note holder cannot charge me interest on the \$100 originally borrowed, but must charge me interest on the principal balance of \$90 at 4 percent, or \$3.60, instead of \$4. Amortization is repayment or debt redemption.

Electric rates are based on average annual charges divided by the number of units sold. Before Mr. PLUMLEY can state that Bonneville rates will be discriminatory as to Boulder, he must present rate comparisons based on annual costs, which he has not done. This is not the time nor the place to hold a rate hearing. The matter is now pending before the Power Commission, and it is not proper to discuss the details in advance of a decision.

I might state for Mr. PLUMLEY's information that I offered a Bonneville bill which is in close agreement as to provisions with the bill that was passed. If Mr. PLUMLEY will read the act closely, he will find that the administrator is charged with the responsibility of fixing rates which will include the interest and amortization charges. Under the law, the Power Commission is a check on the administrator.

Yesterday's RECORD contained many interesting features, but none interested me more than the address of the gentleman from Pennsylvania in regard to unemployment. There is no question but that unemployment is the real problem before us today. I was raised near a little town in Illinois

which has in it a glass factory. Ten years ago 2,500 men were employed in that factory, but today only 500 men are employed there, doing the same work. All the steel mills of the United States are being rebuilt to operate as strip mills. In the New Republic a few weeks ago appeared the statement that when the mills complete their improvements, which will involve the expenditure of many millions of dollars, 80,000 steel employees will be out of jobs. This is the trouble of the day—adjustment to machinery. Machinery has come and it has come to stay. We cannot discard it. I, with our colleague, the gentleman from Pennsylvania, regret that we in this House have not given more time and thought to the question of unemployment and how we can plan to give people work. We have learned how to manufacture and how to transport, but how miserably we have failed to divide the rewards of human labor. This is the most urgent problem before us. I am delighted to know the other body has appointed a committee on unemployment and wish we might do the same.

I turn now to a discussion of Bonneville project.

BONNEVILLE PROJECT EXTENSION

The Bonneville Administrative Act was passed in the latter days of the first session of this Congress and was approved August 20 last. This act provides that the power plant shall be constructed, operated, and maintained by the Army engineers through the Secretary of War, and that capacity extensions shall be made under the direction of the Secretary of War as rapidly as markets are found for the surplus energy over navigation requirements. The administrator was appointed last October, and in a little over 2 months received requests for over 290,000 kilowatts of capacity. The testimony of Mr. J. D. Ross, Bonneville administrator, covering power requirements, has been given in detail before the House Interior Subcommittee on Appropriations. Pursuant to the Bonneville Act, the administrator, through the Secretary of the Interior and the Secretary of War, requested two additional generating units. At the time the Budget was prepared the administrator had not been appointed and therefore administrative authority did not exist for including this request in the regular Budget, through the method required in the Bonneville Act, hence a supplemental budget was necessary.

BONNEVILLE CAPACITY

Two units are at present installed in the plant totaling 86,400 kilowatts. Four vacant flumes for additional units are included in the present construction. The first estimate of the Army engineers was that the ultimate installed capacity of the plant would be 432,000 kilowatts. Experience gained in the construction of the plant has demonstrated that the ultimate capacity can be at least 504,000 kilowatts. Under present river conditions only about two-thirds of the installed capacity will be prime power or power available 24 hours per day 365 days per year. With the completion of Coulee the river flow will be regulated and the proportional part of prime power will be greatly increased. This temporary reduction in prime power from installed capacity results from floods and backwater, with the attendant lowering of the head, and low flows during the periods of minimum river discharge.

Therefore there is 86,400 kilowatts of installed capacity or about 58,000 kilowatts of prime power to meet requests for 290,000 kilowatts. The proposed two new units will double the existing capacity but will fall short of furnishing sufficient capacity to meet immediate requirements. I have been told that it takes 2 years to complete the installation of the additional machines, hence the request at this time.

BONNEVILLE COST

Up to the last of October the actual expenditure at Bonneville was \$44,130,859.93. It is estimated that completion of the present construction about June 30 next will represent an expenditure of \$51,892,000, or, with the inclusion of interest during the construction period, \$53,188,800. At this time the best estimate for the completed work will be about \$74,200,000, or about \$1,000,000 less than the earlier esti-

mates. I understand that the cost of the two additional units, together with other necessary work, will be \$5,800,000.

REPAYMENT MANDATORY

Under the Bonneville Act it is mandatory that the rates be sufficient to repay to the Federal Government all its investment in power facilities over a reasonable period, with interest. The administrator, after conferring with the President at Hyde Park, announced that the interest rate would be 3½ percent and the amortization period 40 years. These values would be used in setting the rate base. It is good business for the Government to install capacity sufficient to meet the market and to accelerate the return to the Federal Treasury. It is the humane thing to extend the benefits of the project as widely as possible, which the act requires. Potential consumers should not be turned away. We should not force an uneconomic situation by denying appropriations for sufficient capacity. We hear a great deal about duplicating facilities. No wise person wants to duplicate facilities. With an existing demand without capacity provision we are forcing duplicate facilities which can in no sense compete with Bonneville costs. Such a procedure would contribute to the continuation of high-rate levels, which makes an economic barrier. Electricity in private hands has been the chief agency in creating unemployment, through its adaptability to automatic processes. Therefore, electricity owes a debt to society. This debt can be paid in part by providing lower costs, relieving the drudgery in the home and on the farm, and creating industrial employment. The Northwest has the raw materials. Bonneville can be the instrumentality to change these raw materials into fabricated products.

BONNEVILLE NOT DISCRIMINATORY TOWARD BOULDER

Boulder project interest rate is 4 percent, with a 50-year amortization period. Bonneville, with 3½-percent interest and 40-year repayment period, does not provide rate discrimination against Boulder Dam. Both set-ups provide equal annual repayment charges to the Federal Treasury on equal investment. During the time the Interior bill was under consideration the allegation was made that discrimination existed. This misunderstanding was corrected, and the issue was settled on the floor.

POWER MARKET

Interests adverse to the Federal power projects have made the woods ring with the statement that no market exists for Bonneville power. To sustain such an erroneous statement hypothetical calculations have been offered. These calculations do not square up with the facts.

In the first place, bona fide requests have been made to the administrator for power allotments nearly three and a half times the present installed capacity, or nearly twice the full capacity with the two additional machines installed.

Remember in this connection that until the river flow is regulated only two-thirds of the installed capacity is available for firm power. Why consider hypothetical calculations when factual evidence is available?

FEDERAL POWER COMMISSION FACTS

On page 31 of the Federal Power Commission report to Congress for the year 1937 it was pointed out that the record-breaking power production in the 12 months' period ending September 30, 1937, indicates need of increasing generating capacity. It is stated in the report:

It is interesting and significant to note that, as electric rates have gone down, production and consumption have gone up. * * * It has been and is a short-sighted policy to keep electric rates as high as the traffic will bear. * * * Such false economy holds down the traffic and hurts the power industry as well as the public.

All the Federal and public and privately owned power projects now constructed or in process of construction will not be adequate to meet the demands within the next 5 years. Never again should there be such a calamitous power shortage as we experienced during the World War.

Nationally, there is an actual power shortage.

In the Pacific Northwest the same shortage exists.

HOW TO ESTIMATE MARKET

The only clue we have to the future is the past. Every bit of reliable past data we have available shows that the

following rule as to load growth is of general application. For nearly 30 years during normal times the electric use and load doubled every $5\frac{1}{2}$ to $7\frac{1}{2}$ years; so did the installed capacity. During depression this growth curve flattened out or dipped, but after the low depression point was passed the growth curve picked up the normal growth rate. Under low charges the doubling period is of shorter duration, under high rates is of larger duration. Anyone interested can prove this rule by tabulating either the consumption or the installed capacity for the entire United States, or for any or all the States in the Pacific Northwest, as given in the Federal Power Commission's National Power Survey, 1936, with late amendments thereto. I have done this, and in addition have made similar studies of load growth in Seattle, Tacoma, Eugene, Los Angeles, Winnipeg, and the Ontario system. All of this data verifies this general rule. The Army engineers in their Columbia River report (H. Doc. 103, 73d Cong., 1st sess.) made an "actuarial graph" on load growth which verifies the above rule. The way to estimate correctly future load growth is to take existing installed capacity and apply the general rule of load growth.

Hypothetical man-made estimates of demand, diversity, and load factor have no place in a reliable estimate of market. All the statements made as to lack of market are based on such erroneous calculations. The Federal Power Commission does not publish "demand" figures because of possible "tricky" interpretation. (See hearings, Interior Department, subcommittee Committee on Appropriations, 1938, p. 883.)

PRICE CONTROLS ELECTRIC USE

On July 27, 1937, during the debate on the Bonneville bill I placed before my colleagues in the House a table to prove the accuracy of the general economic law covering the relationship between price and volume. That law can be stated "cheaper the price, greater the use." I will not here repeat the experience in 14 different sections to verify this law. I will simply cite a few facts. The latest available statistics published by the Oregon Utility Commissioners shows that the average residential use in Oregon is 1,166 kilowatt-hours per meter per year, at an average cost of 3 cents per kilowatt-hour. In Winnipeg, with a rate less than one-third of the Oregon rate, the use is three and six-tenths times greater than in Oregon. This same condition will be found throughout the Ontario hydro. If we had electric rates as low as Canadian public rates it would take the full capacity of several Bonnevilles to supply the potential market.

Before the Rivers and Harbors Committee last May I demonstrated that the Pacific Northwest is not "choked with power." I stated then and repeat now that the power market is whatever you make it by low rates and proper allocation of load. There is a normal growth and an additional growth which can be secured by removing rate barriers and allowing electricity to flow to its natural outlets.

PRESENT INSTALLED CAPACITY

Mr. Ross, in his testimony before the Interior subcommittee, presented figures showing the 1936 installed generating capacity in Washington, Oregon, and Idaho. His figures are as follows:

	Kilowatt-hours
Washington	955,014
Oregon	365,668
Idaho	247,708
Total	1,568,390

The 1937 figures of the Federal Power Commission are only 3.2 percent higher than his figures. (See p. 884, Interior hearings, 1938.)

Doubling in $5\frac{1}{2}$ to $7\frac{1}{2}$ years will show that it will take three full-capacity plants of the size of Bonneville to meet the load growth in 6 or 7 normal years. These simple facts disprove the allegation of a "choked market." I want to also ask that when any market estimate is reviewed, based on "demands," that the sponsor be asked to include the allowance for spare units and the allowance for different and divergent stream-flow conditions. This has not been done by those submitting load and market data to various Members of Congress.

Mr. ENGEL. Mr. Chairman, I yield 20 minutes to the gentleman from New York [Mr. Fish].

Mr. FISH. Mr. Chairman, I propose to speak on various subjects this afternoon, including some comments on the T. V. A. and the charges made recently by its Chairman.

Up to a few weeks ago Chairman Arthur E. Morgan was regarded by the administration as a great public servant and as the outstanding authority on flood control and water power. Since he has made the charges of dishonesty, malfeasance, and bad faith the administration seems to have changed its attitude in regard to the great services rendered by Arthur Morgan as Chairman of the T. V. A. The President of the United States, instead of referring these charges to the Congress to be investigated, decided in a most autocratic manner to investigate the charges himself. Mr. Morgan thought the President was prejudiced and refused to testify in detail.

The President proceeded and acted as judge and jury, as prosecuting attorney and as lord high executioner, and dismissed Chairman Morgan.

I submit to the Members of this House, regardless of partisanship, that this is the beginning of fascism in the United States. This is not only the beginning but this is fascism in line with what occurs in Germany, in Italy, and in Russia. It is part and parcel of the OGPU system of Soviet Russia. A one-man trial and a great public servant has his head cut off and no demand is made by the President for a thorough investigation by the Congress of the United States.

I submit that the action of President Roosevelt was high-handed, arbitrary, and ruthless, in defiance of the Congress and in violation of the laws of the land.

The Congress set up a separate agency with semilegislativ and possibly semijudicial powers. It demanded that the T. V. A. be a separate agency by itself, and it specifically wrote into the law the requirement that the Congress, by concurrent resolution, should remove any of the directors. This was written into the law in specific language. The President of the United States, however, in violation of that law, took it upon himself to remove Dr. Morgan. Unmindful of his removal of Mr. Humphrey from the Federal Trade Commission, which action was held unconstitutional by the Supreme Court of the United States, the President proceeds and removes Dr. Morgan, a far worse case because of the specific limitation written into the T. V. A. Act by the Congress. That is why I purposely and deliberately state that this autocratic and high-handed act of the President is an act of fascism.

Mr. LEAVY. Mr. Chairman, will the gentleman yield?

Mr. FISH. Yes.

Mr. LEAVY. The gentleman stated that the T. V. A. was set up with delegated legislative authority and with judicial authority. I am not intending to challenge the gentleman's statement, but I think he should state what judicial authority, quasi or otherwise, T. V. A. has.

Mr. FISH. The purpose of the T. V. A. and the very reason for establishing it as a separate agency was because Congress at that time knew that this separate agency must have very large policy-making powers.

Mr. LEAVY. But the gentleman does not contend that policy-making powers are judicial at all?

Mr. FISH. They are mostly legislative. Whether there are some judicial powers or not, I am rather inclined to think they exercise certain semijudicial authority along with the legislative powers, as they have almost complete policy-making powers. Whether those policy-making powers actually give the T. V. A. Commission some semijudicial authority also is a matter of record; I will not insist or quibble about it.

Mr. LEAVY. Would it not be more nearly the fact to state that the authority of T. V. A. may be a delegated legislative power, but finally is an executive function.

Mr. FISH. Not at all. That is why we set the T. V. A. up as a special agency. That is why the Congress limited the control of the President over it, so that he would not have the usual and unlimited executive function. Congress wrote the restriction deliberately into the law. This is an exception to most legislation; and I think the gentleman, if he will

read the speeches of Senator NORRIS, will find it exactly what Congress proposed to do.

Senator NORRIS was the author and main sponsor of the T. V. A. He proposed that the President should have restricted and limited powers over it, that it should be the pet child of the Congress, that we should have almost complete control, and for that reason we delegated very large legislative powers to the T. V. A. in order that it might make these policies without coming back to the Congress or be interfered with by the President. Senator NORRIS pointed out at the time that the T. V. A. was expected to be a permanent agency of the Government and he did not want a President, who might be unfriendly, to have the power to destroy the will of the Congress.

Mr. FRED M. VINSON. Mr. Chairman, will the gentleman yield?

Mr. FISH. Yes.

Mr. FRED M. VINSON. Prior to the time that Chairman Morgan came under fire, in statements that the gentleman from New York [Mr. FISH] has made upon this floor and elsewhere in regard to the T. V. A., what has been the attitude of the gentleman from New York with reference to the efficiency and resultant effect of the Tennessee Valley Authority?

Mr. FISH. I am not an authority upon the T. V. A. and its accomplishments.

Mr. FRED M. VINSON. Has not the gentleman been critical of it?

Mr. FISH. I suppose less than almost any one on this side of the House. I do not know that I have ever spoken in opposition to T. V. A. I am not for the principle involved of Government ownership and competition with private enterprise but because it became the law of the land I had hoped, for one, that it would work out satisfactorily and sometimes I would vote for the appropriations asked for it and other times I would not. For instance, I did not vote appropriations for the dam in the gentleman's own State of Kentucky. I voted against it. After all, what I want is an impartial investigation by Congress, and that no guilty man shall escape.

Mr. FRED M. VINSON. Could the gentleman tell me of one kind word that he ever said about the Tennessee Valley Authority or Chairman Morgan prior to the time of Chairman Morgan's present involvement?

Mr. FISH. In answer to the gentleman, can the gentleman tell me one critical word that I have ever said against T. V. A.? In the first place, the T. V. A. is not in my section of the country; in the second place, I knew very little about its administration; and, in the third place, I was opposed to it in principle, but, it having become the law of the land, I wished it well and hoped it would succeed; but now there is only one possible thing to do, and that is to investigate it from beginning to end and investigate these serious charges of dishonesty and malfeasance and bad faith made by the Chairman of the T. V. A. The gentleman from Kentucky certainly goes along that far, does he not?

Mr. FRED M. VINSON. I certainly would not agree with anyone being dishonest or inefficient or having bad faith.

Mr. FISH. Chairman Arthur Morgan was known to Congress and to most of the country as the greatest authority on water power and flood control. He makes specific charges of dishonesty and malfeasance relating to the administration of the T. V. A.

Mr. FRED M. VINSON. And refuses to say one word in substantiation of those charges.

Mr. FISH. But is willing to, and always has said that he is willing to, testify before an investigating committee of the Congress. He claims that the President of the United States has not the right or the authority to conduct such an investigation. In the second place, he claims that such an investigation would be prejudiced, and therefore, as a courageous and independent man, respecting his own dignity, he refused to testify.

Mr. FRED M. VINSON. It just seems to me that gentlemen who are critical of the President of the United States

in the present situation can only be actuated by partisan motives. For years, since the appointment of Chairman Morgan, the gentleman and his party have been critical of the T. V. A. administration, charging it with everything under the sun.

Mr. FISH. In competition with private business.

Mr. FRED M. VINSON. And now when the President of the United States seeks to remove an obstacle to efficiency and proper administration, immediately overnight Chairman Morgan becomes a great administrator and the President, of course, is wrong.

Mr. FISH. Oh, no. For all I know he has been a great administrator, but that is not the question. He was appointed by the President because of his knowledge and experience and has always been regarded as an honest and honorable man.

I believe he is an honest man. He certainly did not turn into a dishonest public servant overnight. If he be an honest administrator, then it is the duty of Congress to investigate these charges of dishonesty, yet no effort has been made by Congress until very recently to do anything at all. I believe Congress has been trying to whitewash the charges if it could. It is now being forced by public opinion to investigate, but it has been very slow in coming forward to investigate, and has been making haste very slowly indeed. All Mr. Morgan wants is to have the charges investigated by Congress. I cannot prove his charges and the gentleman cannot disprove them. He is entitled to be heard without any further delay or obstacles being put in the way of a thorough investigation.

Mr. FRED M. VINSON. I know the gentleman from New York sufficiently to say that if he had proof to substantiate those charges and the President of the United States asked him to do so, that he would have had the courage to have spoken.

Mr. FISH. I think there is one thing about Mr. Morgan that no one can deny, and that is he is highly courageous. No man in public life recently has demonstrated the high degree of courage shown by Dr. Morgan. He went before the President and practically told him that he refused to testify because the President had no authority, but that he was ready and willing to present the facts before the only body that had authority to consider the charges, the Congress of the United States. That is all he said. That was a courageous act. Will anybody deny it? As far as I am concerned, I would like to see a vote of thanks adopted by the Congress for the great ability, purity, fidelity, firmness, and courage with which Chairman Morgan has discharged his public services. I think the Congress could well afford to pass a resolution of that kind instead of questioning his courage.

Mr. RAYBURN. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield.

Mr. RAYBURN. Does not the gentleman think it is a little premature to do that? Had we not better wait to see whether this man can prove charges of dishonesty and malfeasance against his colleagues before we exonerate him? [Applause.]

Mr. FISH. I may say to the majority leader that I am not trying to exonerate him. I merely stated that I believed he was an honest and upright public official. On the other hand, why all this delay about creating your committee? Why did you not act when these charges were made in regard to the administration of the T. V. A. created by the Congress? That is why it might be necessary to offer a resolution such as I suggested. I submit that no one has the right to rise on the floor of this House and attempt either to prove or to disprove the charges made by Mr. Arthur Morgan in his capacity as Chairman of the T. V. A. I am not trying to do either. I am simply pointing out that these serious charges have been made and that Mr. Morgan has been arbitrarily dismissed by the President, in my opinion, in defiance of Congress, in violation of law; and the one thing that the Congress should do without any further delay is to give him an immediate hearing before an impartial committee of the Senate and the House.

Mr. RAYBURN. I may say in reply to the gentleman that that opportunity is going to be offered to Mr. Morgan at a very early date.

Mr. FISH. That is all Mr. Morgan asked for. That, however, does not change one iota the opinion of those of us not only in the House but throughout the country who believed and still believe that the President acted in an arbitrary fashion and in an unconstitutional manner. This can be settled only by the courts of the United States, not by the Congress. The courts held against the President in the Humphreys case and, by analogy, will hold against the President in this case.

Mr. McREYNOLDS and Mr. HARLAN rose.

Mr. FISH. Mr. Chairman, I yield first to the gentleman from Tennessee [Mr. McREYNOLDS].

Mr. McREYNOLDS. Is the gentleman aware of the fact that these charges were made to the President in complaint against the other two Members when they were having this dispute? Is the gentleman aware of that fact?

Mr. FISH. I know the President had these alleged hearings, and I know what was said at those hearings.

Mr. McREYNOLDS. Does the gentleman know what led up to that? Does the gentleman know that during the time this disturbance had been going on Chairman Morgan had been talking to the President making these charges? Under those circumstances does the gentleman think the President had no authority or that it was not his duty to call them in and have the charges substantiated by one side or the other?

Mr. FISH. I agree with the gentleman that it was the right of the President to call in all the Commissioners, all three, and hear any statements they wanted to make. If he did determine that Chairman Morgan was in error and was wrong, then the immediate and proper procedure should have been for him to send a message to the Congress asking the Congress in accordance with law to remove the Chairman on the basis of the facts that he himself had discovered. The Congress would have acted immediately and everything would have been in accordance with the law and the President would not be subjected to any criticism. Instead of that he did not wait 24 hours to remove him in a most arbitrary and high-handed manner and probably illegal.

Mr. McREYNOLDS. How could the President get the facts when Dr. Morgan refused to tell him?

Mr. FISH. The President made certain statements about Mr. Morgan. He made the definite statement that Mr. Morgan had made libelous references. How did the President know Mr. Morgan had made libelous statements? The President sent a message to Congress definitely stating that Mr. Morgan made libelous statements. If no facts were presented at the hearing the President had no right to make such a statement, but he did make it. He could have sent a message to the Congress, including such a charge, and asked for Mr. Morgan's removal, which he did not do.

Mr. McREYNOLDS. Did he not have a right to make that statement after Mr. Morgan refused to furnish any other facts and the other members refuted those statements?

Mr. FISH. I do not know that he had any such right at all. It was a one-sided hearing, and Chairman Morgan stood on his rights, denied the President's authority, and claimed he was prejudiced.

Mr. McREYNOLDS. There were two sides offered to Mr. Morgan.

Mr. FISH. It was a prejudiced hearing. There is also a question as to the legality of the entire hearing. This was challenged by Mr. Morgan and it was his right to challenge it.

Mr. STARNES. Will the gentleman yield?

Mr. FISH. I yield to the gentleman from Alabama.

Mr. STARNES. Does the gentleman from New York think that the Congress should vote an investigation without some substantiating evidence of the charges made?

Mr. FISH. When a high public official, an appointee of the President of the United States, the head of an agency

created, set up, and established by the Congress of the United States, makes charges of that nature there ought to be an investigation immediately.

Mr. STARNES. Regardless of whether or not there are any facts produced to substantiate the charge?

Mr. FISH. An investigation may be made in two ways. Now, we have to do it by a special investigating committee created by Congress because this matter has become of great public interest and therefore that is the only possible way to proceed. When he first made the charges we could very well have called Mr. Morgan before the committee that deals with the T. V. A. in this House and stated to him, "Mr. Morgan, you made certain charges of dishonesty, malfeasance, bad faith, and so forth. We want to know the facts." Then we could decide whether to proceed to investigate, and that is what should have been done.

[Here the gavel fell.]

Mr. ENGEL. Mr. Chairman, I yield the gentleman 10 additional minutes.

Mr. O'TOOLE. Will the gentleman yield?

Mr. FISH. I yield to the gentleman from New York.

Mr. O'TOOLE. Does the gentleman recall that between the time the charges were made and the investigation was first held in the Teapot Dome matter 9 months elapsed?

Mr. FISH. May I say to the gentleman he was not in the House at that time, but there were those on this side of the House who demanded an investigation, and I know that, because I happened to have been one of those Members. I remember using exactly the same words in the Teapot Dome case I am using now, that no guilty man shall escape. Dishonesty and malfeasance in office should not be a partisan issue.

Mr. O'TOOLE. Where did the principal opposition come from at that time?

Mr. FISH. They were investigated. The investigation was conducted in a nonpartisan way and some of those men went to jail.

Mr. O'TOOLE. The principal opposition to that investigation came from the Republican side of the House.

Mr. FISH. The answer to that, and the fact is, they were investigated and several of those men were sent to jail and the investigation was fearless and thorough, and that is exactly what the American people want and expect now in the T. V. A. case.

Mr. O'TOOLE. The true answer is that the shoe is on the other foot.

Mr. FISH. Not at all. I do not see where there should be any partisanship in a question of this kind. This involves a great agency created by the Congress. There should be no delay. This investigation should be adopted unanimously and it should be welcomed by every Democrat.

I believe the honesty of the Democrats is on a par and equal to the honesty of the Republicans. I know the Members of this House will not stand for dishonesty in this administration or any other administration regardless of party affiliations. They do not propose by their votes to cover up dishonesty. Not a single man in this House wants to do that. So, I say, let us proceed to investigate and have a thorough, fearless, and impartial investigation, no matter who it hurts, no matter who it hits, and let us clean up the whole rotten mess.

Mr. SPARKMAN. Will the gentleman yield?

Mr. FISH. I yield to the gentleman from Alabama.

Mr. SPARKMAN. May I ask the gentleman what charges he thinks ought to be investigated?

Mr. FISH. I may say to the gentleman I think every single charge made by the Chairman of this great governmental agency on his own authority as Chairman of the T. V. A., every single charge he makes in regard to the administration of the T. V. A., the officials of the T. V. A. and his colleagues should be investigated to the very bottom and after we get the truth it is then our duty to act. If there is no truth to the charges, and they cannot be substantiated then it is our duty to say so and clear the T. V. A.

Mr. SPARKMAN. Would the gentleman include in that investigation the charges that the other two members of the board may have made as to the tactics used in obstructing the work of the T. V. A., either by any member of the board or by private utilities?

Mr. FISH. I think it is a mistake to bring in the private utilities. I am not averse to having a separate investigation of the private utilities at any time by this House. I would welcome such an investigation, but I do not think it has any bearing upon an investigation of the charges of Mr. Morgan. That is all that should be investigated. It should include the charges of any other official against Mr. Morgan or by his colleagues, but it ought to be confined to those charges and countercharges; otherwise the public utilities will be used as a red herring and we will get nowhere. The result will be a complete whitewash.

Mr. CULKIN. Will the gentleman yield?

Mr. FISH. I yield to the gentleman from New York.

Mr. CULKIN. Would the gentleman include in the investigation the charge of Chairman Morgan that Mr. Lillenthal and the other Morgan connived in the payment of \$5,000,000 to a Member of the other body? Would he include that in the investigation?

Mr. FISH. Certainly. I would include an investigation of every charge made, and particularly such a serious charge.

Mr. CULKIN. Is that not a grievous charge? Is it not sufficient to base an investigation on, and of such importance as to demand an investigation?

Mr. FISH. The very charge of dishonesty alone is sufficient. These charges have been made public, and we cannot cover up on any of them or even attempt to if we are to maintain our self-respect and our position as representatives of the people.

Mr. SNELL. Will the gentleman yield?

Mr. FISH. I yield to the gentleman from New York.

Mr. SNELL. The question has been brought up about the Republican attitude toward an investigation of Teapot Dome. If the gentleman remembers, when that was brought to the attention of Calvin Coolidge, who was then President of the United States, he did not wait. He said:

Let us have a clean-cut investigation. Give me two investigators. You can give me one Republican and one Democrat. The only thing we want to know are the facts in the case.

That is my position in regard to this present investigation. Let us just get the facts in the case.

Mr. FISH. I agree with both my colleagues from New York. These are serious charges. We ought to prove or disprove them. To do so we must have an immediate investigation by Congress to get the facts.

Mr. DEMPSEY. Will the gentleman yield?

Mr. FISH. I yield to the distinguished gentleman from New Mexico.

Mr. DEMPSEY. In view of the amount of Federal funds expended on this great project and in view of these charges and countercharges, does the gentleman believe the American public is going to take anything except a fair and complete investigation at this time?

Mr. FISH. I agree with the gentleman just 100 percent. We ask for nothing more and we will take nothing less.

Mr. DEMPSEY. I agree with the gentleman.

Mr. FISH. The investigation must be thorough, detailed, honest, nonpartisan, and unprejudiced. All the facts must be brought out and nothing covered up. Why should we go into an investigation of the public utilities, which might take years to complete, and drag that red herring across the trail? Let us specify in our resolution precisely that we shall investigate these charges and the T. V. A., and nothing else.

Mr. RAYBURN. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield to the gentleman from Texas.

Mr. RAYBURN. Of course, the gentleman knows the Senate has already passed a joint resolution for an investigation.

Mr. FISH. Yes; and I know of the statement made by the gentleman.

Mr. RAYBURN. I am sure the gentleman understood before he began his remarks that such a resolution had been passed.

Mr. SNELL. Was the resolution passed this afternoon?

Mr. RAYBURN. It was passed this afternoon. The gentleman also knows he has been given every assurance by the Speaker of the House and by myself, with the minority leader joining with us, that we want an investigation. Does the gentleman have any idea the Vice President of the United States, after consulting with the majority leader of the Senate and with the minority leader [Mr. McNARY], and the Speaker of this House, after consulting, as I am sure he will, with the minority leader, would appoint a committee that would throw mud on anybody or would whitewash anybody, or would do anything but have a complete and full investigation?

Mr. FISH. I may say to the gentleman I do not have any such idea. Furthermore, may I commend the majority leader for making the public statement yesterday or the day before that the House insisted on participating in the investigation and that it would not stand merely for a Senatorial investigation. In that statement the gentleman has the backing of the entire public, without regard to partisanship. Of course, the House should participate equally with the Senate. I believe if the gentleman had not made that statement when he did there might have been two separate investigations, which would have been a farce. If we have a joint House and Senate investigation, we do not look for any whitewash. The minority members of the investigating committee will certainly not stand for any whitewash, and I do not believe the majority members intend from now on to try to cover up any of the facts. However, this does not change what the President has done and does not undo his arbitrary, high-handed act of removing Dr. Morgan. Where are our three separate and independent branches of Government when the President takes it upon himself in defiance of the Congress to throw out a high official of the Government who is protected by an act of Congress which is still the law of the land?

Mr. SHORT. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield to the gentleman from Missouri.

Mr. SHORT. Can the gentleman from New York tell the Members of this body whenever before in the history of our Republic the President of the United States has acted as a judicial tribunal to try such a case or has tried to assume the functions of the legislative branch of our Government by holding a one-man investigation?

Mr. FISH. In my opinion, this is a complete usurpation of the powers of the Congress. This is a much worse case than the violation of the Tenure of Office Act by President Andrew Johnson, who was almost impeached because he violated that act and removed Edwin Stanton, Secretary of War, from office without the consent of the Senate.

Mr. SHORT. What purpose could the President of the United States have in holding an investigation himself other than to smother a smoldering scandal?

Mr. RAYBURN. Now, Mr. Chairman, that is going just a little too far. That charges a President of the United States with trying to suppress a scandal, despite the fact that everything that occurred in the hearings, every question that was asked and every answer that was given, was made public and sent to the House of Representatives. There are certain limits. It matters not how much anybody may hate Franklin D. Roosevelt, he is the President of the United States and its 130,000,000 people. I am utterly surprised that any Member of the House would make a statement like that made by the gentleman from Missouri.

Mr. SHORT. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield to the gentleman from Missouri for the purpose of answering the majority leader.

Mr. SHORT. There are just two ways in which any member of the board can be discharged. The first is by concurrent resolution of the House of Representatives and the Senate, because the T. V. A. is a creature of the Congress.

The only reason or the only just cause for which the President of the United States can remove a member of the board is because a member of the board has appointed employees for political reasons and without any regard to merit, and certainly Dr. Morgan has never been charged even by the President of the United States himself with the commission of that misdemeanor.

Mr. FISH. I yielded to the gentleman from Missouri [Mr. SHORT] because the gentleman from Missouri can always speak for himself.

I will say to the majority leader that what I object to is the arbitrary action of the President in his high-handed and autocratic removal of Dr. Morgan in violation of the law of the land and in defiance of Congress.

I also resent the fact that the President did not demand an investigation. All the President did in his message to Congress was to say, "Why, the Congress has the power." Of course, we knew we had the power. We did not have to be told by the President we had the power to investigate, but he made no recommendation for an investigation by the Congress; and this is a fact, and it stands as a fact over his own writing in the official records of the House.

Mr. RAYBURN. If the President had made such a recommendation, that probably would have been taken as some more Executive dictation.

Mr. FISH. Well, he has never been afraid of Executive dictation or sending to Congress a list of his must legislation.

[Here the gavel fell.]

Mr. ENGEL. Mr. Chairman, I yield the gentleman from New York 5 additional minutes.

Mr. CULKIN. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield.

Mr. CULKIN. Did not the nature of that inquiry at the White House, if you can term it that, partake of the character of a police court third degree, with the President baiting this very distinguished engineer and public officer who insisted he had the right or it was his duty under the law to be tried by the Congress? What I want to impress on the gentleman and ask if he does not concur in my statement, is that this was in the nature of a baiting, police court third degree, with the result never in doubt.

Mr. FISH. I agree with the gentleman and I may say further that I used similar words just a few minutes ago when I compared it to the OGPU methods used by the secret police of the Communists.

Mr. CULKIN. No one questions the distinguished character of Chairman Morgan as an engineer or as an American.

Mr. FISH. They never had up to the time of his removal.

Mr. RAYBURN. Will the gentleman allow me to say this to the gentleman from New York? I have heard the gentleman on the minority make a similar broadcast about the T. V. A. and the whole set-up, but I never heard any member of the minority party get up here and defend Chairman Morgan before the President dismissed him.

Mr. FISH. I was not aware of the fact that he needed any defense. I have never discussed his administration. I have never discussed the T. V. A. I do not believe that an honest and honorable public servant needs anyone to defend him. He has the right to speak for himself and can always do so.

Mr. CULKIN. Mr. Chairman, will the gentleman yield so I may make this reply in view of that statement? I have repeatedly, at least in the committee records, commended Chairman Morgan on his ability and his procedure.

Mr. RAYBURN. I said on the floor of the House.

Mr. CULKIN. I do not know that I have done that here, but it is a matter of record.

Mr. FISH. I now desire to turn to an entirely different subject, as I am sure you will agree when I mention it. It has to do somewhat with the War Department bill now before us, and I wish to apply my remarks to the members of the Military Affairs Committee of the House and to the members of the Subcommittee on Military Appropriations of the House.

There, apparently, is a discrimination in the armed forces of the United States against colored soldiers. Colored sol-

diery are only permitted to serve in the Infantry and in the Cavalry.

When we consider these War Department bills and for national defense we aim to obtain the greatest amount of national defense possible for the funds involved. I am one of those who does not believe that there should be any fear or any alarm of war in the near future in the United States, but we have the responsibility of building up our national defense. I know from war service overseas that foreign governments, particularly Great Britain and France, have always made use of the colored people from their colonies in their armed forces. The Senegalese, colored French soldiers, served throughout the World War with distinction.

In our Army we do not permit colored men to serve in the Coast Artillery or in the Tank Corps, the Engineer Corps, the Chemical Warfare Service, Field Artillery, the Signal Corps, and special services, including the Air Corps. It seems to me that if we are building for national defense we have to do away with these discriminations and injustices to one-tenth of our population.

Mr. STARNES. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield.

Mr. STARNES. The gentleman from New York was a distinguished soldier in the recent war. He will recall that none of the aviators or officers in the coast defense or artillery in the British or French Armies were Senegalese or other colored troops.

Mr. FISH. I am not sure about that; whether that is the fact or not. I do not know much about the Coast Artillery. I have an idea that they were used for all services in the French Army. I do not know about the British Army. The fact is in our Army we have two colored regiments of Infantry and two of Cavalry. They are badly split up and used often as servants, menials, and orderlies. What I would like to see is one single colored division, with all of the services that go into a division—Artillery, Infantry, Engineers, and every other service, including tanks, if a division has a Tank Corps. I would also like to see Congress pass a law empowering the President of the United States to appoint two colored men to West Point each year. Fifty years ago Colonel Young, a colored man, graduated from West Point. Since that time few or no colored men have graduated from West Point.

I do not see much progress being made for the colored race if 50 years ago one of their group could qualify and today a colored officer cannot qualify. The only way I can see to overcome this injustice, this discrimination, would be to empower the President of the United States to appoint two colored men each year to the Military Academy at West Point, which would mean eight colored cadets altogether after civil-service examinations, so that he would appoint only those who are qualified and who could remain in West Point, and who in time of war could be officers in colored divisions and serve in the colored regiments we now have. Why should we, a free country, deny the same right they have in France and in Great Britain? We talk about the progress that the colored race has made in the last 75 years. I do not see this progress, at least in the Army. They seem to be making progress by going backward. The time has come to bring this issue out in the open and discuss it on its merits and from the point of view of justice and national defense.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. TERRY. Mr. Chairman, I yield the gentleman 2 minutes more.

Mr. FISH. I hope the Committee on Military Affairs, when a proper bill is presented, will grant a hearing as to the advisability of creating one colored division. We now have four colored regiments and I think they should be combined into a single colored division in the armed forces of the United States, and in addition to that we should permit colored men to qualify for every one of the services in our Army, including the Air Corps. Why should not a colored man if he is to serve in the Infantry and die for his country, also be permitted to serve in the Air Corps or in the Artil-

lery, if he is to serve his country in time of need and emergency? In other words, if he is to wear the uniform of our country, he must be treated the same way as all others, and no one has a right to deny that service equality.

If a colored man is good enough to die for his country, he is entitled to the same treatment as any white soldier. His life is just as dear to his family as the life of any white man is to his family. There should be no discrimination whatever in the armed forces in the United States. All services should be open to every colored citizen on the basis of merit and by act of Congress. I propose to introduce within a short time a bill opening up all of the branches of our armed forces, or rather of the War Department and of the Army, to all our colored citizens. We permit aliens to serve in our Army and in all units of our Army. Why not permit loyal, honest, patriotic colored men to serve in time of peace as well as in time of war in every branch of the Army of the United States?

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. TERRY. Mr. Chairman, I yield 10 minutes to the Delegate from Alaska [Mr. DIMOND].

Mr. DIMOND. Mr. Chairman, according to Greek mythology, as every school boy knows, the great Achilles, the son of Peleus and Thetis, a model to all the Greeks of ancient days for valor, beauty, strength, and chivalry was invulnerable in every part except his heel. According to the myth, when he was a baby his mother held him by the heel and dipped him in the river Styx. Wherever the water touched him no weapon could hurt him, but his heel was not covered by the water.

So years later in the Trojan War, Paris, son of Priam, shot an arrow which wounded him in the heel and the supposedly invulnerable Achilles died as a result of that wound. He was vulnerable in only one point, but that was sufficient to cause his death.

When we consider problems of national defense, when we think of the area to be defended and for which we must make provision for national defense, I have often wondered whether the Territory of Alaska, which is just as much a part of the United States as is the State of Maine or the State of Texas or the State of California, is not the Achilles heel of our national defense situation. I am apprehensive, Mr. Chairman, lest this Achilles' heel of our national defense may some day, perhaps not so far in the future, result in disaster to the people of the United States.

If any reasonable man has two doors to his house, and in that house he keeps articles of great value, such as might tempt the cupidity of the criminal and the ruthless, he does not lock and bolt and bar one door of that house, and make it impregnable, and at the same time leave the other door open. Yet that is precisely what has been done, and that is the condition that exists, with respect to our plans for defense of the Pacific coast of the United States.

Great pains have been taken, Mr. Chairman, to provide defensive works for the Hawaiian Islands in the mid-Pacific. It has been said times without number that the Hawaiian Islands are the key of the Pacific. No one will deny, I think, that the Hawaiian Islands are important. We have put hundreds of millions of dollars in the defenses of those islands and the great base at Pearl Harbor; and many people are of the opinion that that is all that is necessary in the Pacific, that it is not necessary or desirable to install any defensive works in the Territory of Alaska.

Mr. GREEVER. Mr. Chairman, will the gentleman yield?

Mr. DIMOND. I yield.

Mr. GREEVER. How many miles are there in the coast line of Alaska?

Mr. DIMOND. Mr. Chairman, recently I checked the data I had concerning the coast line of Alaska and found that the coast line of Alaska exceeds in length the total coast line of the main body of the United States including the Atlantic, Pacific, and Gulf coasts, according to figures furnished me by the Department of Commerce. It appears that the total coast line of the Atlantic, Gulf, and Pacific

coasts, measured in 3-mile units which do not take into consideration every slight configuration of the coast, is 12,877 miles. The total coast line of Alaska, measured by the same units, is 15,132 miles; so, although the Territory is only about one-fifth the size of the continental United States, the coast line of Alaska, on account of its indentations and configurations, exceeds in length the total coast line of the Atlantic, Gulf, and Pacific coasts of the United States.

Mr. GREEVER. Do the figures the gentleman gives include the inside passage to all of the vulnerable parts of the Territory?

Mr. DIMOND. Yes; that includes all parts of the Territory, and these figures are strictly comparative, being based upon the same method of measurement.

Mr. GREEVER. How much fortification has the United States in and around Alaska at the present time, coast defenses and other defenses?

Mr. DIMOND. Answering the distinguished gentleman from Wyoming, I am obliged, sadly, to say that Alaska has practically no defense. Alaska has no coast defenses whatsoever. Alaska has at the present time about 300 Infantry who are stationed at Chilcoat Barracks, a military post near the city of Haines, Alaska. There is no other military or naval force in Alaska except the pilots and the personnel of about six Navy planes which are stationed at Sitka a part of the time; they are not always there. Outside of that, Alaska does not possess a single thing in the way of defense.

Mr. GREEVER. Will the gentleman yield further?

Mr. DIMOND. I shall be pleased to.

Mr. GREEVER. Considering the great extent of the coast line of Alaska, I am very much astonished to find that there is so little in the way of coast defense. I did not know it before, and I do not think it is generally known. I know that the gentleman is familiar with Alaska and I know how well he has represented that Territory here in the House, and how faithfully he has done it. [Applause.] Is it not true that recently the strategic, military, and naval importance of Alaska has been greatly stressed in the minds of the people of the United States and of the people who live in that Territory?

Mr. DIMOND. Answering the gentleman, I may say that the people of the Territory have never been in any doubt about it. I was glad to note in the recent debate on the bill increasing the size of the Navy that some mention was made of Alaska. So far as I can recall, it is seldom since I have been in Congress that any mention has been made by a Member of the House except myself concerning the need of installing defensive works in Alaska.

A few years ago, about 1935, I was greatly encouraged by the outlook after extensive hearings by the House Committee on Military Affairs on the so-called Wilcox bill, the Army Air Corps bill, which, I think, was passed unanimously and approved by the President. That bill provided for six large, principal, or main Army Air Corps bases in different parts of the United States, including one in the Territory of Alaska. The base in Alaska was not authorized lightly or without consideration. Extensive hearings were held by the Committee on Military Affairs, and the importance of Alaska from the military defense standpoint was stressed in this hearing; so the committee was fully informed. The Alaska base being authorized in the bill, it had the full support, I have every reason to believe, of the General Staff of the Army, as well as of the Members of the House and Senate, and of the President of the United States. But from that time to this, Mr. Chairman, not a single dollar has been spent in Alaska, not a single thing has been done in Alaska toward carrying out the expressed will of Congress and the expressed will of the President with respect to the building of the authorized Army Air Corps base in the Territory of Alaska. I am reliably informed that in 1936 the War Department sent an estimate to the Budget to be included in last year's bill in the sum of \$1,500,000 for the commencement of construction of the authorized Army Air Corps base in Alaska, but the Budget rejected it. This year, I am told,

and I have no doubt as to the accuracy of the information, no estimate was sent to the Budget by the War Department because the Budget had given orders in advance that the sum available for new construction by the War Department would be so limited that no work in Alaska could possibly be undertaken. So we have the situation, Mr. Chairman, where the Bureau of the Budget is apparently largely making the military policy of the country.

I have brought here, as you see, a map, or chart, of the North Pacific Ocean. It is known as a great circle sailing chart of the North Pacific and is used by navigators in sailing that ocean. This chart is used because it illustrates, as nothing else except a globe can illustrate, the strategic importance of Alaska in any sound plan of national defense. In presenting this matter to Congress I am not so much actuated by the fact that I have the honor to represent here the Territory of Alaska as by the fact that I am a citizen of the United States, and so I am alarmed about the safety of the United States as long as Alaska is left undefended.

You see on the chart here before you, the great circle sailing chart of the North Pacific Ocean, the relative positions of the Japanese Archipelago, Siberia, Alaska, including the Aleutian Islands, Canada, and the United States. There is one feature of this chart to which I desire especially to invite your attention. Any straight line drawn on the chart is the shortest distance between the two points it connects thereon. The chart distorts otherwise the relative positions of the several features shown thereon, but a straight line drawn between any two places on that chart indicates the shortest distances between those two places, because the chart is so made up that a straight line thereon indicates a segment of a great circle of the earth, and I need not explain that a great circle on the earth is one which if extended into a plane would pass through the center of the earth. Any globe representing the earth will show the idea clearly.

You will observe that I have drawn three straight lines on the chart. The line farthest to the north connects Yokohama with Seattle. You will see that this line passes north of a considerable number of the Aleutian Islands. The next straight line to the south of the first connects Yokohama with Portland, Oreg. It will be observed that this line passes through some of the Aleutians, so that if a ship sailed in the straight, short line directly from Yokohama to Portland, Oreg., it would be necessary for that ship to go overland part of the way when it came to the Aleutian Islands. The most southerly of the lines goes straight from Yokohama to San Francisco and that line passes approximately 276 statute miles south of the Aleutians. You will also note the position of the Hawaiian Islands, and that none of these lines connecting Yokohama and the cities on the Pacific coast of the United States—Seattle, Portland, and San Francisco—comes within 2,000 miles of the Hawaiian Islands.

Right now it may be well to refer for a moment to distances, and in all cases I shall use the statute or land mile as the unit of measurement. The straight, short great-circle route between Seattle and Yokohama, going north of some of the Aleutian Islands and south of others, is 4,924 miles. But suppose the journey is made from Yokohama to the Hawaiian Islands, and thence to the nearest large city on the Pacific coast, San Francisco, we find that the distance is 6,316 miles. In other words the distance from Yokohama to the United States by way of the Hawaiian Islands is approximately 1,400 miles longer than the straight, short great-circle route which runs near or through the Aleutian chain. The distance between the Aleutians and Honolulu is approximately 2,356 miles. The distance between San Francisco and Honolulu is about 2,408 miles, almost an equal distance. The distance from Seattle to Ketchikan, Alaska, is 747 miles. The distance from Seattle to Unalaska or Dutch Harbor in the Aleutians is 1,966 miles. The distance from Dutch Harbor to the island of Attu, the westernmost of the Aleutians, is 810 miles. And the distance from Attu to the great Japanese harbor on Paramushiru Island, near the northerly

end of the Japanese Archipelago, is 716 miles. From Paramushiru to Yokohama is about 1,400 miles.

In other words, the Aleutians are closer to Seattle than are the Hawaiian Islands to San Francisco. The Aleutians are about as far from the Hawaiian Islands as the Hawaiian Islands are from the mainland of the United States at San Francisco. Now the point that I wish to suggest to you is this: A hostile fleet moving across the north Pacific certainly will not come by way of the Hawaiian Islands where we have a naval base and an air base that are said to be well-nigh impregnable, but will come instead on the short line—some 1,400 miles shorter—along the Aleutians, where we have precisely nothing on land or sea by way of defense. We have locked the back door and put plenty of extra bolts on it, and even walled it up with masonry, and at the same time we have left the front door wide open. I submit, Mr. Chairman, that there is little point in providing defenses for the Hawaiian Islands while Alaska is left naked to any possible enemy.

I remember as a schoolboy reading in a history of the War between the States of the remarkable success of one of the generals of the South. When he was asked to explain his basic theory of military strategy or tactics that enabled him to be uniformly successful, he said in substance that his plan was to get there first with the most men. A moment ago the able and courteous gentleman from Alabama [Mr. STARNES], in answer to my inquiry, informed me that I had in mind the great General Forrest as the one who believed on being on the battlefield first with the most men, and who thus won his amazing victories. Even to one who knows nothing of the military art, the rule seems a wise one. And by that rule, with Alaska defenseless, we will lose at least the first battle of any future war in the Pacific, for the nation which first seizes and holds the Aleutians and the coast of Alaska will have control of the inner, short line from the Orient to the United States. Remember that Ketchikan, Alaska, is only 747 miles from Seattle.

The establishment of the Army Air Corps base in Alaska, as Congress must have intended in passing the Wilcox Act, would at least be a mighty factor in giving us control of the inner and short line. That base should be large enough to accommodate at least 1,000 fighting planes. With such a force on its flank, it is not likely that any enemy would risk an attempted seizure of Alaska with the idea of making it a base of operations against the United States.

But at the present time the Army has no facilities whatever in Alaska. We read a few days ago that the so-called flying fortresses made a trip to the Argentine Republic. Those ships could not be sent to Alaska because in all of Alaska there are no fields and no facilities to accommodate them. Is it possible that we are more concerned about the welfare of the Argentine than we are for the safety and welfare of Alaska? Alaska at the present time is as lacking in defensive works and facilities as a babe in arms. This is a serious matter for the people of Alaska, and it is 10 times as serious for the people of the United States, for if a hostile foreign power were to get possession of Alaska we would be obliged to then expend in the defense of the main body of the United States more billions of dollars than it would now take millions to install adequate defense works in Alaska, including, first of all, the Army air base.

Some of the land-hungry and resource-hungry nations of the world would consider themselves as economic royalists if they had Alaska, with its developed and potential wealth of minerals and forests and fisheries and agricultural and grazing lands, ample for the support under proper conditions of millions of people. Vigorous efforts are being made by our Government to develop trade between nations. Let us consider for a moment the trade between the United States and Alaska and the trade between the United States and some of the foreign nations. For 1937 the total trade between the United States and Alaska amounted to approximately \$124,000,000. I have not been able to obtain the figures showing the trade between the United States and foreign countries for 1937, but I have here some figures for

1936, and I shall use these figures for comparison with the commerce with Alaska in 1937. It appears that the commerce between the United States and Alaska almost equaled that with Mexico; exceeded the commerce with Belgium; greatly exceeded the commerce with Australia; exceeded the commerce with Argentina, to which we sent the flying fortresses; exceeded our commerce with the Netherlands; exceeded our commerce with China, and here we may pause to remember the efforts we have to maintain the "open door" in China; exceeded our commerce with Sweden; was more than twice our commerce with Soviet Russia, and may we pause again and reflect upon the pains to which we have gone to develop trade with Soviet Russia; and exceeded our commerce with Colombia, and with British India, and with Poland, and with Spain, in some cases as much as 2 to 1.

Let us return to the Alaska trade for a moment and consider the 1937 figures, which show imports into Alaska from the United States of a total of \$43,083,998, and exports from Alaska to the United States of \$80,967,183. With respect to any foreign nation, such a balance of trade might be considered disadvantageous to the United States, but that is not the case with regard to Alaska. The greatest of the wealth-producing industries in Alaska are owned and operated by citizens of the United States, who reside and pay taxes in the States. Those persons are mostly stockholders of great corporations operating in Alaska. All or practically all of the surplus wealth produced in Alaska—roughly the difference between the exports and the imports—finds its way promptly into the pockets of the owners who live in the United States. The amount of wealth thus contributed each year by Alaska to the States is all but incredible. Therefore, what upon superficial examination may seem with respect to Alaska a balance of trade against the United States, is in reality just the opposite. The wealth of Alaska is being piped or channeled into the exchequers of the people who reside in the States and who own the wealth-producing agencies of Alaska. Fortunately, with the exception of the minerals, those wealth-producing agencies involve the use of resources, like the salmon fishery, that are annually replenished by nature, and with proper care should be inexhaustable. I have mentioned this only to rebut the idea, which is all too common, that the Territory of Alaska is nothing but a land of ice and snow, and is a liability to the United States which we would be better off without. In truth and in fact Alaska is a priceless asset, and in any other part of the world its potential wealth would long before this day have been the cause of half a dozen wars. Italy has spent uncounted millions to acquire possession of Ethiopia, and the conquered land, according to the most reliable reports, is not one quarter the value of Alaska.

I have somewhat digressed, Mr. Chairman, and I shall return to the subject. Alaska should be defended. Defensive works should be installed in the Territory. The first thing to be done is the construction of the Army air base. Under best conditions several years will be required to complete that base, and we should begin now. When this bill is read for amendment I intend to propose an amendment calling for the expenditure during the fiscal year 1939 of \$2,000,000 for commencement of work on the Alaska Army air base, and I sincerely hope that the amendment will be agreed to and the work promptly prosecuted to completion.

[Here the gavel fell.]

Mr. TERRY. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan [Mr. LUECKE].

Mr. LUECKE of Michigan. Mr. Chairman, much has been said on the floor in recent days and weeks in regard to war and world conditions in general; but it seems that we continue to disregard conditions at home. To my way of thinking, unemployment is one of the vital questions facing this Congress, and one which should be discussed more freely than it has been. It is vital to our democratic institutions to restore these 12,000,000 unemployed men to work. We should find work for them in industry. Of course, the W. P. A. cannot go on forever, and, besides, these men do not want to stay on relief for the rest of their lives.

In 1937, last year, when production was up to 92 percent of normal, taking the production figures of 1929 as the basis, there were still 7,000,000 unemployed. In order to put those 7,000,000 men back to work, production would have had to go far above the 1929 figure. What does that mean? It means these 7,000,000 workers will remain permanently unemployed, and that is the problem facing the American people today.

I do not like the idea of building a wall of steel around this Nation and have it decay in the center. That is the real danger to our democracy. We have got to put these men back on the job.

How are we going to do it? If we look back over the economic history of this Nation, we will find that 75 years ago the hours constituting a regular workday were all the way from 12 to 16, and many of our industries, because they did not have the modern illuminating system which we have today, worked their men from sunrise to sunset.

As we continue along in our investigation of our economic history we find the hours were cut down to 12, then to 10, and finally to 8. I can remember when the 8-hour day was still unpopular. That was in 1900, at which time some 200,000 miners or more went out on strike for an 8-hour day with 10 hours' pay. That strike lasted 8 months, but the miners finally were successful. Those men who went out at that time for an 8-hour day with 10 hours' pay might have been called Bolsheviks, although the word had not been coined at that time. We called them radicals. However, they were victorious. The Nation went on as before. The companies went on making as much money as they had made theretofore, and everything went along as well as could be expected.

It was also about that time that the railroads went on the 8-hour day. It so happened I was railroading at that time. I remember men were working all the way from 16 to 20 and 24 hours and as long as 72 hours in one stretch. Then they got an 8-hour day in the railroad stations and a 16-hour day for the trainmen. The trade craft unions took the matter up and adopted an 8-hour day. Today it is the popular thing.

Mr. Chairman, we have now come to the time when we must again reduce the hours of work in order to take care of the unemployed. The time has come that we must adopt the 6-hour day in industry that can support it. A year ago I introduced a resolution which was referred to the Committee on Labor asking for an investigation into the 6-hour day of those industries which could support it, but nothing was ever done.

One of the gentlemen testifying before the Unemployment Committee in the Senate not long ago, I think it was Mr. du Pont, stated that for every one man employed in industry there are required two indirectly to keep that man working and to keep him supplied. What does this mean?

It so happens I looked into this matter a little further and I found that the highly efficient industries, such as automobile, steel, rubber, and the basic industries, including the textile industry, could adopt a 6-hour day. If they did it would mean that between three and four million men would be put back to work.

Now if we follow out the theory that one man in industry reemploys two indirectly, you will have not only the 3 million men put back to work but you will have six million others indirectly reemployed; so that in the end there would be 9 million workers returned to industry.

It has been said that the 6-hour day is farfetched, that it is radical and it might look like a little too much gravity, but, to the contrary, it is fundamental Americanism. There is nothing radical about it. It is just fundamental Americanism to shorten the workday in order to meet unemployment.

Mr. Chairman, industry itself has not been the only one affected by these technological improvements which have resulted in putting men out of work. About a week ago an Illinois farmer came into my office and made the following statement. He said that in 1920 he harvested 138 acres of wheat and he gave 96 man-days employment. He stated

further he harvested at the rate of 24 bushels to the acre. He told me that in 1937 he harvested the same number of acres, 138 acres, but gave only 9 man-days employment and harvested 419 more bushels of wheat than he did in 1920. In other words, he took his modern wheat combine and went out into the field and harvested his own crop.

[Here the gavel fell.]

Mr. ENGEL. Mr. Chairman, I yield 5 additional minutes to the gentleman from Michigan.

Mr. LUECKE of Michigan. There you have an illustration of what modern improvements and modern methods of production are doing to the workingman.

I may cite another instance of a farmer who said to me when I was back in my district, "Twenty-five years ago my two sons and myself thought we were doing a big season's work and having a fine crop if we harvested 500 bushels of potatoes, but now my two sons are gone, I am 25 years older, and I harvest 5,000 bushels of potatoes alone with a tractor and modern farming implements."

How long can this trend go on? Obviously we must do something about this condition, because it will not cure itself. We must see that these men are put back to work in wealth-producing jobs. I know work created under the W. P. A. has been worth while. School houses have been built and farm-to-market roads have been built; but, still and all, there is this production of wealth which is being missed in the way of consumers' products and in the way of making for better homes.

What is a man going to do nowadays, if he is over 40 years of age? This condition has been brought about by the modern machine. A man over 40 years of age is out on the street. If gray hairs show underneath his hat, he may as well stay away from the employment office. What are we going to do with the millions who are coming out of school each fall seeking employment? Are we going to say to them, "We cannot do anything for you; all jobs have been filled, and you must go on a permanent Government job of some kind?"

You and I know they do not want that, and let us be thankful for it. The average American worker wants to work at some honest method of production, some honest way of making his living as he has been taught to make it. It is easy enough to say to these men, "If you cannot get a job in industry, why do you not go out and start a little farm or something of that sort?" I want to say to you that these men who have given their lives, in many cases as high as 40 years, to service in these industrial plants are not fit for anything else. You cannot ask a man who has done that to become a farmer any more than you can ask a farmer to go into an industrial plant.

This thing of asking a man to work 3 days in a mill and 3 days in raising his own vegetables in his own garden will never work out, in my opinion, for the reason you can do only one thing at a time and do it right. You must either work in a factory or work on a farm, and you cannot do both at the same time. Therefore, that plan is out of the picture.

It so happens that immediately after the war when I came back from France I found my trade had flown out of the window. In one plant where 3,000 men had previously worked at their trade there were now machines, and the force had been cut down to 500, and girls receiving \$16 a week were doing the work. I had to start life all over again.

THE 6-HOUR DAY

Every day the handwriting on the wall appears for some workers somewhere. A recent case to come to hand is that of the Grier works at New Castle, Pa., owned by the Carnegie-Illinois Steel Co., a subsidiary of United States Steel.

The management announced the dismantling of the Grier works, which employed 1,200 men, making steel by methods requiring considerable hand labor.

Was this due to bad business or to lack of confidence on the part of the management, as many critics would have us believe about business in general?

Far from it. The Grier mill was to be replaced by one of the 26 new huge mills that have been constructed during the

past several years in which the production processes are highly mechanized, so that now 80 men can average a production of 800 tons in an 8-hour day, whereas formerly the same number of men, working by hand processes, could produce only 90 tons a day.

To put it another way, the 800 tons of sheet steel would formerly have required 640 men's work to make it in a day's time. Since it now requires only 80, we find by simple subtraction that 560 men have been displaced by the new equipment. What this means is that seven out of every eight men who used to work in the mills is, or will soon be, out of a job. Can we expect to reduce unemployment when men are being constantly turned out of their jobs?

Some people will, of course, try to deny the fact that we need a general 6-hour day to help get our unemployed back to work. These people will say, "Oh, the steelworkers' case is just an accident and not at all typical."

For the benefit of those in doubt let us see what has happened in the slaughtering and meat-packing industry. On the average, every hour a man worked in 1933, he produced 62 percent more than in 1920. This change resulted from the use of conveyors and handling devices, as well as readjusting processes, so that there were fewer motions and shorter distances to be covered. If the worker has to move his arm only half as far as previously in some operation, it is obvious that he can have two movements where he had only one before. This has enabled the meat industry to get more work out of each man.

Figures are available in the boot and shoe industry which show that for every hour a man works at that trade today, he produces 50 percent more than he did back in 1914. This change came about not so much on account of actual labor-saving devices, but due to a change in the product itself. Formerly almost all footwear had sewed soles. Now there is mass production of cemented-sole boots and shoes, with the labor required for the new type being much less than what it had been for the old. It is true that there has been an increase in demand for shoes due to style changes for women, but this has not offset the labor displacement, for the present policy is to make shoes less durable and at lower price. Had the 6-hour day been gradually introduced into the shoe industry, we could have avoided technological unemployment of the 9,000 men since 1923 as to the footwear trade.

According to Dr. Charles F. Roos, former director of research of the National Recovery Administration, a worker in the tire and rubber industry now produces double what he did 10 years ago. In other words, one man can now do the work of two. This came about through the introduction of a number of important improvements in machinery and production methods, which have made the process almost entirely automatic. Since the labor cost of making tires has thus declined considerably and production per man per hour has correspondingly increased, plus insufficient increase in demand for tires to offset these factors, there has been displacement of men by machines.

Are we going to sit idly by and let these technological changes cost us billions of dollars in supporting millions of our fellow citizens without work, due to no fault of their own? Or will we be rational and split the work to be done among all who are ready, willing, and able to do it?

Some further cases of workers being displaced by machines have been published within the past several weeks as joint studies of the Works Progress Administration and the Department of Labor. One of these is entitled "Mechanical Changes in the Cotton Textile Industry, 1910 to 1936."

Here we find a striking example of long-range effects aside from the depression following 1929. By going back to 1910, we can make a comparison of what has happened since the time of the pre-war generation. Take the weaving of terry cloth. In 1910 it took two 40-hour shifts of 1,186 men to produce 700,000 yards of cloth. Today two 40-hour shifts of 276 men can produce the same amount of cloth. This is a drop of 75 percent of the amount of labor required for the same amount of product. One man now with an

automatic loom can produce what it took four men to do in 1910, thus causing the other three to be out of work.

It is true that the weaving of terry cloth is one of the worst cases of displacement, but even in other materials we find a similar tendency. There was a reduction of 27 percent in the labor costs of weaving sheeting between 1910 and 1936, and similar reductions in other fabrics ranging up to 37.5 percent reduction as to combed broadcloth.

In the so-called carding of textiles, the first operation usually, the number of workers is now about half what was needed to produce the same amount in 1910; for example, combed broadcloth carding that required 218 workers in 1910 now takes only 108 for like quantities; sheeting that took 238 then needs but 112 now; and canton flannel that required 290 is today carded by only 148 men.

Spinning operations have shown reductions in labor time needed ranging from 24 percent in producing combed broadcloth, up to 31.3 percent for terry cloth, these improvements being due to improvements in spinning machinery as well as to controlled air moisture and temperature which reduced breakage of cotton fibers which occurs when they are too dry.

In the spooling and warping of textiles, the decrease in man-hour requirements since 1910 has ranged from 54.5 percent in carded filling satten to 63.9 percent in combed broadcloth. Some explanation for the considerable reduction in the possible labor requirements may be found in the fact that in 1910 a spooling machine averaged approximately 0.33 pounds of yarn per hour, while in 1936 the machine could process 1.83 pounds of yarn, or almost six times as much. Similarly, in 1910 a warper averaged 31.3 pounds of yarn per hour, as against an average of 328 pounds now.

When man is clever enough to invent spooling machines which automatically tie necessary knots in the fabric, why can he not see that the worker should get some of the benefits of efficiency in shorter hours and better pay, as well as the employer making more profits for himself.

As a matter of fairness we must admit a certain amount of offset to the textile labor displacements just mentioned. It is true that miscellaneous men such as electricians, scrubbers, humidity men, truck drivers, yardmen, and such increased up to 18 percent over 1910, and there is another offset due to the work involved in manufacturing the labor-saving new machinery. Yet these offsets are only a fraction as compared to the total numbers of persons displaced.

A good way to think of the situation of unemployment as a whole is to compare it with a man with a team of horses. If he uses the team only part of the time and turns it loose on the public when not using it, something has to be done about it to make him take care of his own horses. It should be obvious that he may not turn them out on the public highway, nor let them pasture on other people's land. Neither can he permit those mules to die in front of another man's house.

Yet this is what industry dares to do in this country now. It turns loose its employed or employable workers to die in front of your house or mine for all it cares. We have millions of people now who would die except that the Government has changed its policy toward giving public relief since 1932.

Whenever an effort is made to raise the standard of living and well-being of the average man, immediately an attempt is made to set up a line of hostility between the farmer and the wage earner. There is no such natural line of hostility. There is no reason why better wages should injure the farmer or increased farm prices should harm the worker in industry. The farmer depends upon principally the wage earners for his customers. He cannot depend upon that upper 2 percent of the population that gets most of the incomes in the United States. The wage earner must, in turn, depend upon the farmer to buy the cloth, the automobiles, or the radios that he makes, so that the farmer and the wage earner are naturally drawn together and cannot be separated.

How can there be hostility between the farmer and the wage earner when they are each other's customers? The

solvent wage earner can pay more for butter, meat and bread, and other products than the insolvent. Similarly, the farmer who is solvent can pay a good deal more for the products of the factory than one who is insolvent. What we must do is to raise the purchasing power of both farmer and wage earner. With the cooperation of both we can keep going forward and help everyone get more of the things he wants and has a right to demand. President Roosevelt expressed it this way on March 5, 1934:

We must remember that the bulk of the market for American industry is among the 90 percent of our people who live on wages and salaries, and only 10 percent of that market is among people who live on profits alone. No one is opposed to sensible and reasonable profits—but the morality of the case is that a great segment of our people are in actual distress; and that as between profits first and humanity afterward we have no room for hesitation. With millions still unemployed, the power of our people to purchase and use the products of industry is still greatly curtailed. * * *. Therefore, I give to industry today this challenge: It is the immediate task of industry to reemploy more people at purchasing wages, and to do it now. Only thus can we continue recovery and restore the balance we seek. It is worth while keeping in the front of our heads the thought that the people in the country whose incomes are less than \$2,000 a year buy more than two-thirds of all the goods sold here. It is logical that if the total amount that goes in wages to this group of human beings is steadily increased, merchants, employers, and investors will in the long run get more income from the increased volume of sales.

Turning from the President's words back to actual cases, we find some shocking figures in the careful study published last June by the National Resources Committee and entitled "Technological Trends and National Policy." One of the special merits of this work is that it takes into account individuals having only part-time or temporary employment. Thus two persons each working only half the time are counted as only one employed person, a method which produces a higher accuracy than ordinary calculations.

According to this report (p. 77) if we take the manufacturing industries such as reported to the Census of Manufactures, we find that a certain amount of work which required a hundred men to do it in a certain amount of time in 1920, can now be done in the same time by only 56 men—a reduction of 44 out of the 100 men or almost half.

In mining industries the reduction has not been quite as great—81 men can do what 100 did in 1920, a reduction of 19 out of the hundred. In the telephone industry the change was more than in mining, the drop since 1920 being 25 out of the hundred for the same amount of work done. Here the change was brought about partly by the growing use of the automatic dial-telephone equipment which threw operators out of work, although needing extra mechanical labor for installing the equipment.

In order to think clearly on the subject of the 6-hour day, we must first cease to regard the period of the middle twenties as a "normal" to be considered our goal to be returned to. This point of view neglects the fact that a country like ours with its continuously increasing population must regard "normal" as a process of ever-increasing levels of production, employment and income. If the quantity produced by labor in a certain quantity of time remained the same, the total amount of things produced would have to rise as fast as the labor supply in order to keep the volume of unemployment from increasing.

However, given our progressive increases in the amount each worker can produce, a decline in production such as the recent depression brings about a still greater amount of decline in employment than one would think, and an increase in production results in a less than proportional increase in employment. So, since we cannot seem to increase the total volume of production at a faster rate than the increase in our labor supply, there is nothing else to do other than shortening the workday if we are to avoid an ever-increasing volume of unemployment. This is a purely engineering and practical side of the question, yet it points in the same direction as the righteous and just feeling that every worker should be entitled to share in the benefits of improved efficiency in industry, not only in wages but in leisure too.

There is an important consideration to be kept in mind as to the benefits of increased leisure on reducing unemployment. Not only would the 6-hour day cause more employment directly, on the work-sharing basis, but by maintaining weekly wages at present levels the total purchasing power of labor would be increased as has been often pointed out. An additional factor that has not been emphasized so much is that having more leisure will promote a greater consumption of many goods such as automobiles, electrical appliances, and various home comforts. The more time people have for themselves the more they will have time to go to shows, to read books or magazines or newspapers, to burn gas and oil in their cars, or go to other amusements. All these would help make places for those now unemployed.

Another way in which the 6-hour day would help stimulate business indirectly is that it would cause an increase in the number of employees in not only large-city areas but also in small towns where factories were located. Such an increase in personnel would in some cases draw newcomers to the small town to work and would often cause a brisk demand for new housing for them to appear. In that way the lagging construction industry would be stimulated and more of the home building which President Roosevelt has called for would be stimulated.

For those who still refuse to be convinced or to be open-minded on the question of the 6-hour day, I want to call attention to the fact that these principles were presented back in 1819—a century ago—by the eminent Swiss economist, J. C. L. Simonde de Sismondi, in his book *Nouveau Principes D'Economie Politique*. Although Sismondi pointed out that technical advances were causing undue hardships to certain classes, he made it plain that he did not wish to stop or hinder the advance of science and invention. He demanded only that the advantages of efficiency be spread to all as rapidly as possible, and closed his book with the following very up-to-date recommendations:

First. Abolition of child labor.

Second. Shortening the length of the work day.

Third. Setting of minimum wages.

Fourth. Encouragement of labor organization and collective bargaining. Far from being radical, our demand for a 6-hour day is really ultraconservative in view of a century-old precedent for shorter hours, both in theory and practice.

Mr. TERRY. Mr. Chairman, I yield 10 minutes to the gentleman from New Jersey [Mr. SUTPHIN].

Mr. SUTPHIN. Mr. Chairman, in this day we are endeavoring to serve the job maker. We are giving him every encouragement; but, at the same time, is not the Government encroaching on his activities? Is not the Government engaging in new fields of commercial activity every day?

During the recent hearings on the bill under discussion today, the Quartermaster General, General Gibson, testified before the committee—at page 190 of the hearings—regarding the relative cost of uniforms and shirts, comparing Government factory costs with the costs of private contractors. I find that contract figures do not agree with the general's statement.

In his figures for breeches, cotton, khaki, he has listed the commercial contract cost as \$1.205249, but upon investigation I find the last contract awarded was as of September 15, 1937, for 75,990 pairs of cotton breeches, the award being made to the Philadelphia Uniform Co. at a unit price of 82 cents. This represents a considerable discrepancy between the \$1.20 which the quartermaster general states these breeches have cost and the actual award.

The commercial contract cost of breeches, elastique, is listed at \$1.1324662, while the last contract awarded by the Government was to the Champion Pants Manufacturing Co., of New York City, on October 1, 1937, at a unit price of 72 cents less one-fourth of 1 percent.

The Quartermaster General has listed the commercial contract cost of coats, serge, at \$2.514773, while on October 1, 1937, the contract awarded was for 7,108 coats, to the Sig-

mund Eisner Co., of Red Bank, N. J., at a unit price of \$1.73 less one-tenth of 1 percent.

Another award was made for 2,400 coats on October 28, 1937, to the same concern at a unit price of \$2.45 less one-tenth of 1 percent. This was a relatively small quantity, with 39 assorted sizes, which is probably the reason for the increased cost.

Cotton trousers, khaki, which is one of the very large items, are shown in the Quartermaster General's figures as having a commercial contract cost of 81.20444219 cents. The last award was on January 27 of this year to the Philadelphia Uniform Co. for 200,000 pairs of cotton trousers at a unit price of 43 cents, while on November 8, 1937, bids were awarded to the five lowest bidders at bids ranging from 44.89 cents to 48.5 cents.

Now, with reference to cotton shirts, which are probably in more common usage in the Army than any other one item, the last invitation was received on November 5, 1937, for 431,500 shirts. The awards were made to the four lowest bidders. One was to the Morris Trichon Co., of Philadelphia, for 100,000 at a unit cost of 30.25 cents.

Another award was made to the Model Blouse Co., of Millville, N. J., for 220,000 and the cost was 33 cents.

Another award was made to the Cohen-Fein Co., of Wilkes-Barre, Pa., for 50,000 at a cost of 36 cents.

Another award was made to the same company of 50,000 at 37 cents.

The Long Wear Manufacturing Co., of Philadelphia, received an award of 220,000 shirts at 38 cents.

Yet the Quartermaster General told the committee that the cost for commercial manufacture was 50.5 plus cents for cotton shirts.

Another item which is listed here by the Quartermaster General is shirts, flannel. The commercial cost is 44.0058596 cents according to the figures supplied to the committee by the Quartermaster General.

Yet on February 2 of this year an award was made for 500,000 shirts to the Phillips Jones Co., of New York, and the unit price was 26.95 cents.

Mr. Chairman, of course, I do not want to intimate that the Quartermaster General has falsified the figures in any way, because I know that is not true. The impression I want to leave is that I do not believe he is aware of what is going on in his department. I am sure that each and every one of us realizes not only the desirability but the necessity of giving encouragement to every private manufacturer and we certainly cannot do this by permitting awards to be made to Government factories, especially when the astounding fact is that the cost of private manufacture is less than the Government factory cost in every case, and in some cases to an astounding degree.

Mr. PARSONS. Mr. Chairman, will the gentleman yield?

Mr. SUTPHIN. I yield.

Mr. PARSONS. Does the gentleman from New Jersey believe there has been discrimination in these contracts?

Mr. SUTPHIN. I would like to have an explanation of how he can arrive at these figures showing that the Government cost is lower than private contract cost when the actual facts are the reverse of this. I am looking for enlightenment along that line.

Mr. PARSONS. Not being an employee of the War Department, of course, I cannot give the gentleman such information, but I took it from what the gentleman was saying he thought there had been discrimination.

Mr. SUTPHIN. I want to know how they arrive at these figures, when the award is made to a private contractor for cotton shirts at 30.25 cents, we will say, and then the Department reports the cost to a congressional committee as 50 cents.

Mr. PARSONS. And award the contract on the basis of 30.25 cents?

Mr. SUTPHIN. And award the contract on the basis of 30.25 cents.

Mr. PARSONS. Is that an estimated cost or is that presumed to be actual cost?

Mr. SUTPHIN. I have the actual figures which the private manufacturer receives for each item, and that is what I am submitting here, and I am endeavoring to find out how the Government can arrive at a cost 67 percent in advance of what the manufacturer actually gets, when all these items are made by union labor and under the Walsh-Healey Act.

On page 9 of the committee report on this bill, it is stated:

It is the judgment of the committee, justified by the testimony of the Department, that the division of work now obtaining rather favors commercial interests; in fact, to an extent that is not conducive to the most efficient and economical operation of the Army's depot. Since we have this establishment, it should be operated to capacity on a full normal workday schedule, particularly when there is work to be done of a character that can be turned out at less cost or no greater cost than by private manufacturers.

There are arguments against the national-defense economics of this statement, but the actual facts do not require that we go that deeply into it, for it is a fact that the private manufacturers beat the Government costs, they actually do their manufacturing more economically, and sell to the Government, after paying all their normal costs of operating a private concern in addition to the wages—after meeting many costs the Government does not include in the figures of Government costs—these private concerns still can and do manufacture much more cheaply.

Sound economics and 130,000,000 American people are demanding that we spend only what is necessary to provide adequate and proper governmental services. This demand cannot long permit extravagant costs for Army clothing simply because this clothing is manufactured by a Government-owned factory, to the detriment of private employers.

[Here the gavel fell.]

Mr. TERRY. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. FLETCHER].

ONE WAY TO SAVE MONEY—STOP NEEDLESS DUPLICATION OF STATISTICAL SERVICE

Mr. FLETCHER. Mr. Chairman, the Committee on the Census, in a recent meeting reported a bill to provide for gathering of statistics on cottonseed, soybeans, corn, and other grain and seed products widely used by manufacturers.

At that meeting, members of the census committee brought out the fact that many governmental agencies and bureaus are duplicating, in a more or less degree, the work already being done by the Bureau of the Census.

Testimony submitted to your committee reveals that the Bureau of the Census is charged, primarily, with the responsibility of gathering statistics and data throughout the United States relating to our current industrial situation and other aspects of our economic life. The duties are entirely those of a service organization. The Bureau of the Census does not possess any regulatory functions.

DUPLICATION BY FEDERAL AGENCIES

At the same time, the many other agencies of the Executive Branch of the Government are duplicating the work of the Bureau in order to secure facts, figures, and statistics for regulatory and other purposes.

The records will show that the Bureau of the Census, in an effort to cooperate with agencies of other departments that issue statistics, furnishes these agencies data collected by the census enumerators, yet the duplication has increased with corresponding expenditure of Federal funds.

BUSINESSMEN PROTEST

The flood of questionnaires from Federal agencies that must be filled out by business organizations has increased, and this work has become a major task.

Businessmen are required to duplicate, in many instances, the same facts and figures to several different agencies, and they are looking for a remedy.

There is a growing resentment from businessmen against this duplication and many questionnaires are turned down or discarded because the trade organizations do not receive any benefit from the data collected.

The exception to this criticism is in the case of the Bureau of the Census, whose questionnaires are promptly filled out because the Census Office compiles and delivers statistics to

business organizations and trade groups which are valuable to their particular industry.

It has been suggested by many trade organizations, manufacturers, and business groups that the schedules of the Census Bureau be designed to the end that this Bureau may gather complete statistics, including those used by other agencies, and thus avoid duplication wherever possible.

CENSUS BUREAU EFFICIENT

Statements presented to the Census Committee reveal that contacts made by the businessmen with the Bureau of the Census have been very satisfactory. A survey made regarding the service rendered by this bureau shows that business generally will welcome the Bureau of the Census as a central agency for fact-finding through a simplified method, thereby checking the spread of duplicate information furnished to other bureaus and agencies.

Information has come to the Census Committee that some business concerns complain that these Government questionnaires are pyramiding rapidly to the point where they have become a real burden to them.

One manufacturer in returning his questionnaire to the Bureau of the Census took occasion to acquaint the Bureau with the number of forms he had been requested to fill out from other sources, and he took two pages to list and describe the number of questionnaires from various local, State, and governmental agencies.

CENSUS BUREAU HAS EQUIPMENT

Many members of the Census Committee feel that the Bureau of the Census should be the statistical collecting agency of the Government.

The Bureau has all the machinery necessary for tabulating census statistics of every kind acquired through the various Government Bureaus.

Many feel that the Bureau of the Census then should be given the responsibility of gathering the fact-finding data, taking over considerable of the work of the other agencies rather than see these other agencies expend money on expensive mechanical equipment used in compiling statistics when the Government already has adequate equipment in the Bureau of the Census.

Otherwise it is obvious that duplication and expansion of other agencies will continue to waste money.

RESOLUTION TO CORRECT DUPLICATION

Therefore, I have introduced House Resolution No. 449 designed to authorize the Census Committee to obtain information necessary as a basis for legislation with a view to the improvement and coordination of, and the elimination of any duplication, unnecessary expense, or unjustified burden on business organizations and private citizens in connection with statistical services by the Federal Government.

The executive departments, independent establishments, and various agencies of the Government are authorized, under the pending resolution, to furnish such information and assistance as may be deemed necessary by the committee, but the resolution shall not authorize the disclosure of any matter required by law to be held confidential.

The members of our Census Committee expect to conduct a thorough investigation of the charges that there is widespread duplication of Government statistical work and issuance of data.

The Census Committee will appreciate the cooperation of Members of the House, business organizations, and private individuals in submitting testimony and statements that will aid our committee in carrying out the provisions of House Resolution 499.

It is my intention to call a meeting of the committee soon for the purpose of discussing this question, in the hope of finding a way of preventing the needless waste of money resulting from preventable duplication. [Applause.]

Mr. POWERS. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mrs. ROGERS].

Mrs. ROGERS of Massachusetts. Mr. Chairman, I wish to bring to the attention of the House the great distress in the city of Lowell. The people of Lowell, including the mayor,

the employers, and the employees, are greatly alarmed regarding these reciprocal-trade agreements. The leather workers and the boot and shoe workers are also very much distressed over the decision made by the people who negotiated the reciprocal-trade agreement with Czechoslovakia. The cotton workers are very greatly distressed as well as the workers in the cotton damask industry, the industry that competes with the damask made by Czechoslovakia. They fear their industry may be closed as the boot and shoe workers fear that their industry may be closed.

At a later time I shall ask permission to insert as a part of these remarks a very strong editorial written by a powerful Democratic newspaper in Lowell, the Lowell Sun. It speaks of the fact that there is great resentment, great bitterness of feeling, and great fear for the future on the part of all of the people of Lowell because of the Czechoslovakia treaty and the proposed treaty with Great Britain. The present is bad enough; the future may be infinitely worse.

Mr. Chairman, in appearing before the committee for reciprocity information I submitted petitions signed by 6,800 workers of the city of Lowell. It is one of the largest petitions presented to the committee for reciprocity information. The first real mill started in this country, in all of the United States, was started in our city of Lowell, Mass., where we have the finest so-called labor market in all the country; in fact, in all the world.

Under leave to extend my remarks in the RECORD, I include the following editorial:

[From the Lowell (Mass.) Sun of March 16, 1938]

AGAIN THE SACRIFICIAL CALF

"Massachusetts has everything to lose and nothing to gain in the proposed (tariff) treaty with the United Kingdom. Massachusetts is being placed on the sacrificial altar in the hope of bettering conditions in other parts of the country."

That is the way that Representative TREADWAY sums up the proposed trade agreement with England which would permit English cotton mills to flood the American market, and thus ruin the cotton-textile industry in New England, particularly in Lowell. And Representative TREADWAY has hit the nail on the head.

Only last week we saw trade treaty maker, Secretary of State Hull, from southern Tennessee, blow the shoe industry out of New England by signing a trade agreement with Czechoslovakia. Now low-priced Czech shoes made by cheap labor are permitted to flood the American market and do one of these two things: (1) Either drive the shoe industry out of business or (2) cause the workers in shoe manufacturing to accept wages far below what they are now getting, and the wages they are now getting are hardly a living wage; failure to reduce wages will mean that the New England shoe manufacturer will be unable to meet Czech prices and therefore must go out of business. That isn't a very pretty picture.

Now Mr. Hull, who can do nothing without the approval of President Roosevelt, is ready to do the same job on our textile industry. What will be left of Lowell after these two staggering blows?

New England labor and industry are united on this issue, but what good it will do is a question. For industry it means no business; for labor it means no wages.

When confronted by a united New England front, Hull said that there were always some who would subordinate the welfare of the country to that of themselves. In other words, Hull tells us that we in New England should be willing to offer ourselves as a sacrifice so that the remainder of the Nation may prosper.

Why doesn't Hull and the rest of the administration in Washington suggest that some other part of the Nation do the sacrificing for a change, so that New England might prosper?

We have said time and again, and repeat it now, that the New Deal has never given New England the consideration it has shown for the West and the South. It spent 10 times more relief money in those sections than it did in New England. It gave cotton growers in the South and farmers in the West money for not growing anything on their land—and the money it was giving them was collected in taxes from New England and the other industrial States of the East.

It has always catered to the West and the South because the balance of voting power was there. When President Roosevelt proposed the wage and hour bill no newspaper gave him stronger and more sincere support than this one. We did so because we thought that a wage and hour bill would make southern cotton manufacturers pay the same wage as northern cotton manufacturers do. And that would mean more work for men in our cotton mills because they are better workers, and on an equal-wage basis New England manufacturers could more than compete with those in the South.

But what happened when the bill came before Congress? Southern Members turned the heat on the President, and he backed down by assuring them that any wage and hour bill would call for lower wages in the South than in the North. The bill didn't pass in Congress, but it wouldn't have helped any if it had—that is, if it had in its remade form.

Now we have the shoe treaty with Czechoslovakia which is likely to end the shoe industry in New England, and if it doesn't ruin it it is sure to badly cripple it.

And it looks as though Hull is going to put the final nail in our coffin by signing the cotton textile trade treaty with England. Then what few cotton mills we have left will either go out of business or operate on a greatly reduced scale.

Hull says that in these days of grave war danger the United States can best help to prevent war by these friendly trade treaties with foreign powers. When it means throwing thousands and thousands of our New England people out of work, we say Mr. Hull has a warped opinion of what we must do to pull other people's war chestnuts out of the fire.

Why should the people of New England be persecuted like this? What have they done to be the continual targets of the administration in Washington? Here we are in another depression, and the administration, instead of helping our people to find work, deliberately promotes plans which are going to throw those who still have jobs out of work.

We only hope that something can be done to end this madness.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. TERRY. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. RAYBURN].

Mr. RAYBURN. Mr. Chairman, I dislike very much to be called upon so often to reply to remarks made by the gentleman from Massachusetts [Mrs. ROGERS]. She expresses great fear, and says that the workers in the leather business in Massachusetts and the makers of shoes express great fear in respect to their jobs. My understanding is that it is a proven fact that under the arrangement made by the Secretary of State and this Government with the Government of Czechoslovakia, with reference to shoes and the importation of shoes into this country, at the maximum, all of the shoes that could possibly be shipped into the country under the arrangement would amount to not more than one-half of 1 percent of all of the shoes that are manufactured and sold in this country. For that very small concession to Czechoslovakia, we, in many products that are produced in this country, of which we produce a surplus, receive valuable assurances of exportation to that country of these products of American labor, and it does appear to me that if in consideration of many thousands of dollars, probably running into the millions, we may export to countries like Czechoslovakia, and give in exchange the right of importation into this country of only one-half of 1 percent, or less, of the shoes made in this country, we have made a pretty good trade for the workers of the United States. Furthermore, everyone knows that since the World War the doctrine of infant industries, so much talked about by our friends in tariff discussions for many years and used as their main argument, has ceased to exist, and that our factories are not only not infant industries any more but are the greatest in all the world.

Unless the factories of this country, producing this surplus, can by some kind of an arrangement, send that surplus to other countries of the earth, what will become of these expanded factories, and what will become of the American workers that are employed in those factories? Let me repeat what I said on this floor some days ago, in my opinion, one of the great contributing causes, among others, of the debacle of 1929 was the fact that we had reared tariff walls in this country so high that we practically closed ourselves to the commerce of the world and when we reared these tariff walls to the point where they became prohibitive, it is axiomatic that that practically closed the ports of the world to the commerce of America, because, as has been said so many times, money does not cross the ocean to balance the difference in trade of one country against another. It is the surplus products shipped from one country to another that balance the trade.

Let me repeat what I said here a few days ago. McKinley had been chairman of the Ways and Means Committee of the House and wrote the McKinley tariff bill. Afterward he was President of the United States, and is one of the patron saints of the Republican Party. McKinley made the statement during the consideration of the McKinley Tariff Act that this country could not hope to continue to sell where it did not buy. Modern Republican tariff writers forget that. They brought us to the point where somebody like

the Secretary of State and the present President in the United States in some way had to break down these barriers that had become insurmountable. We had been trading with countries that for years were practically free-trade countries but we kept raising our tariffs to the point where finally we taught them how to write tariffs, and when they did they levied them with a vengeance. They now have tariffs that in many instances are the equal of ours and in some instances higher. The time has come when, if we are to continue trading with these countries we have got to sit around the table and come to an understanding.

So, let me close as I began, by saying that if we are making a bargain with a country like Czechoslovakia to take a few of their products in order that we may sell many of ours and thus keep American workers employed, I think it is a great compliment to those who did it, and a great service to the people of this country. [Applause.]

Mr. ENGEL. Mr. Chairman, I yield 5 minutes to the gentlewoman from Massachusetts [Mrs. ROGERS].

Mrs. ROGERS of Massachusetts. Mr. Chairman, I would remind the distinguished gentleman from Texas, the majority floor leader, for whom I have a very high regard, that President McKinley's wish and statement was for reciprocity. He wanted to import the commodities that we did not make, commodities that would not force our mills to close. He wanted trade. But he did not wish to shut out some of our industries from being able to continue. He did not want to throw our workers out of work. He did not want to sacrifice the worker in industry for the farmer. We all want trade with foreign countries, but not at the expense of our own.

I also would like to remind the distinguished majority floor leader that the wool growers of Texas and the States of the West are just as anxious, just as much afraid that their tariff on raw wool will be cut when the reciprocal-trade agreement is made with Australia. I believe the present Chairman of the Committee of the Whole is just as anxious that this duty be not cut. It would seem to make a difference from what section of the country one comes. I am sure the gentleman really wants protection for his own section of the country.

Mr. RAYBURN. Mr. Chairman, will the gentlewoman yield at that point?

Mrs. ROGERS of Massachusetts. I hope the gentleman will let me continue. I did not interrupt him. I will gladly yield later.

I refer the gentleman to the questions answered by Mr. Fox, who was then sitting as a member of the Board for Reciprocity Information, in the Department of Commerce auditorium. The gentleman from New York [Mr. LORD] asked Mr. Fox what the percentage of importation from Czechoslovakia now was under the reciprocal-trade agreement with that country in types of shoes that compete with the women's shoes now made in my own district, made in Massachusetts, made in the Middle West, and made in New York. Mr. Fox replied that the quota of importations would be increased from 1 to 1½ percent of our shoe production. At the present time the percentage is 1 percent of our total production of shoes, but that 1 percent is highly concentrated competition.

I refer the gentleman to a statement I am going to put in the Record on Monday. This statement will show the terms of the reciprocal-trade agreement with Czechoslovakia.

Mr. Chairman, we asked for protection on cemented shoes but were granted instead less protection than we now have. At one time, Mr. Chairman, the Tariff Commission raised the duty on McKay shoes, but under this reciprocal-trade agreement the duty on McKay shoes was lowered 50 percent. The distressing part of it, Mr. Chairman, is that these duties are frozen into law for a definite period. There can be no increases of duty as conditions arise. Importations have increased alarmingly during this year. Our workers, therefore, will have no redress.

I wonder, Mr. Chairman, if the Members of this House fully realize the actual terror that has seized workers in many of our industries, the fear of losing their jobs? I am

not exaggerating. I have in my hand an editorial published in a Democratic paper that does not wish to attack the Democratic administration, I am sure, but that editorial shows the paper is thoroughly indignant at the treatment of our industries. When you read this editorial, if later I am granted permission to include it in my remarks, you will realize the plight of these people. I wish you could go into my own State of Massachusetts, go into New England, or go into Providence, R. I.; go into the different towns, if you will, the communities where the mills happen to be making airplane cloth for our own airplanes, a product that is very much needed for national defense.

Mr. Chairman, I ask unanimous consent to include in my remarks a letter from the Navy Department showing how important this airplane fabric is. The letter was read to the Committee for Reciprocity Information by Mr. H. M. Bingham as part of his testimony.

The CHAIRMAN. The Chair regrets to advise the gentlewoman from Massachusetts that under the rules consent to include extraneous matter must be obtained in the House; it cannot be granted by the Committee of the Whole.

Mrs. ROGERS of Massachusetts. I will make the request when we go back into the House. These mills will be affected adversely by the treaty with the United Kingdom. This letter shows the importance the Navy Department and the War Department attach to these mills and how necessary they feel it is that these mills be allowed to continue their commerce in order that they may be available to make this cloth. The letter is as follows:

COMMITTEE FOR RECIPROCITY INFORMATION—DIVISION IV

Statement of H. M. Brigham, Wellington Sears Co., 65 Worth Street, New York City, who was duly sworn, and testified as follows:

Mr. BRIGHAM. I was scheduled to appear tomorrow under airplane cloths, airplane fabrics, and I am speaking in behalf of the Lonsdale Co., William Whitman Co., the Suncook Mills, Ponemah Mills, and the Warwick Mills, and it was under those names that our written brief was filed.

The significant feature of our brief may be stated simply by saying that if this group of mills loses their regular commercial business because of foreign competition that our Army and Navy Air Corps will lose their domestic sources of supply for their aircraft fabrics. These aircraft fabrics supplement in a very small way our regular commercial production, and without our regular production there is not sufficient yardage in these aircraft fabrics to warrant the operation of one mill. To verify our claim that this group constitutes the sole sources of supply for aircraft fabrics, I will read a copy of a letter from the Chief of the Bureau of Aeronautics, Navy Department, to the Chief of the Bureau of Supplies and Accounts, Navy Department. The subject of this letter is, Source of Supply for Aircraft Fabrics, with four references. Reference (a) is the copy of our written brief to the Secretary of the Navy; reference (b) is our original brief to this committee; and references (c) and (d) are specific contracts that the Navy Department had with suppliers outside the group which I am representing.

The letter reads as follows:

"The statements of the basic letter" (which is our written brief) "so far as they concern the special nature of the fabrics involved and the availability of sources of supply are believed to be correct. This belief may readily and conclusively be substantiated by a review of past Navy Department procurements covering airplane and balloon cloth.

"(a) Sources of supply: Over a period of years bids have been received from the same few mills, despite all attempts to encourage wider competition. Several years ago an officer in the supply department of the Naval Aircraft Factory endeavored by correspondence and by personal contact to interest other mills and to urge them to initiate manufacture of airplane cloth, but all efforts were unproductive of results.

"(b) Special and exacting nature of aircraft fabrics: Because of the use to which these fabrics are put and the severe service to which they are subjected they demand almost perfection in manufacture. Slight defects which ordinarily would be acceptable in other fabrics cannot be permitted, particularly where the fabric is to be coated for the retention of gases. The strength-weight ratio is unusually high when compared with ordinary commercial fabrics, and mills must exercise extreme care in the selection of cotton and in manufacture to produce cloths having the physical properties specified.

"(c) Manufacture: Endeavors of the Bureau to develop new sources of supply have been attended by delays and in most cases failure to deliver satisfactory material. Under reference (c) the contractor delivered material which apparently met the specifications in that it was accepted by the field inspection service. However, the cloth could not be used by overhaul activities when it was issued, and the entire lot was salvaged and employed for fabrication of tow targets and other purposes where a much less expensive cloth such as sheeting or muslin had previously been used. Under reference (d) the contractor attempted for almost

a year beyond his delivery date to make an acceptable sample, and finally defaulted on the contract and purchase was made against his account." Reference (c) is one of the first contractors, Navy contract 9125, Batavia Mills. Reference (d) is Navy contract 42089, Robert Bracewell, contractor.

"A review of the above leads to the conclusion that the present sources of supply are all that can definitely be depended upon, and that any increased requirements in an emergency will in all probability be taken care of by an expansion of existing sources rather than by a development of new sources. In the event that new manufacturers do enter this field, it is not believed that immediate deliveries in any quantities need be expected.

"No comment can be made in connection with the possible influence of a reduction in tariff by a reciprocal-trade agreement upon the present domestic production of fine fabrics. Two of the factors which affect cloth prices are materials and labor. There will not be a great differential between the cost of raw cotton in this country and in Great Britain. The big advantage which this country would have must then be the result of a reduction in the number of operations caused by improvements in equipment. However, full automatic machinery has not been developed for fine goods to the same extent as for coarser fabrics, and the labor advantage to manufacturers of this country would be negligible. In the event that foreign competition brought about by a tariff reduction would cause cessation of manufacture in this country, this Bureau believes that the opinion expressed is correct that adequate supplies in an emergency would be difficult to obtain. This Bureau is in no position to predict the consequence of a reciprocal-trade agreement upon the industry, but does recommend that the influence of such action upon military supplies be given consideration prior to adoption. It is desired to reiterate and emphasize the previously expressed opinion that any action which will tend at this time to decrease the availability of domestic stocks of aircraft fabrics or to cause withdrawal of existing facilities will work to the disadvantage of national defense in future emergencies when the requirements for such materials will be greatly increased and immediate deliveries mandatory."

Whereas this letter is in a sense unofficial and merely an interdepartmental communication, it does nevertheless confirm our statement that we are sole sources of supply for these aircraft fabrics.

The official attitude of the Navy may be determined from a letter of March 5 signed by the Honorable Claude Swanson, which reads as follows:

"Receipt is acknowledged of your letter of January 28, 1938, enclosing a copy of a letter addressed to Hon. Cordell Hull, Secretary of State, on the subject of the negotiation of a trade agreement with the United Kingdom and its effect on supplies of aircraft fabrics.

"Your statements so far as they concern the special nature of the fabrics involved and available sources of supply are believed to be correct. With regard to the possible influence of the reduction in tariff by a reciprocal-trade agreement upon the present domestic production of fine fabrics, the two factors which affect cloth prices are materials and labor. It is assumed that these factors will receive their due consideration by the State Department in the formulation of a reciprocal-trade agreement."

I have been unable to get similar copies of correspondence from the War Department, but I have seen some of this correspondence and assure you that the War Department substantiates what the Navy has said. If there is any doubt in your minds concerning the position of the War Department, I respectfully suggest that you secure a copy of a letter dated January 27, written by the Air Corps, Wright Field, Dayton, Ohio, to the Chief of the Air Corps in Washington. As a matter of fact, whereas there are five mills subscribing to this brief, this Air Corps letter just referred to admits of only four sources of supply.

Mr. ENGEL. Mr. Chairman, I yield the gentlewoman 2 additional minutes.

Mrs. ROGERS of Massachusetts. Mr. Chairman, I heard some testimony the other day at the Raleigh Hotel when the textile manufacturers were presenting their case. This is a vital matter to our national defense. I may say there are no textile mills in my particular district which make that kind of cloth, but I am thinking also of the mills all over the country. Mills in the South also will be hurt by this treaty with the United Kingdom.

Let us consider for a moment the corduroy mills, and I have three of them in my district, although one is closed today. On account of the large importation of corduroy and velveteen from Japan it is the concentrated competition from which these mills are suffering.

May I say also that it is the concentrated competition in connection with the importation of shoes that also makes it so harmful to certain types of shoes made by American workers. Competition so far as men's shoes are concerned is not great, but there is a tremendously concentrated competition in women's shoes. The leather workers are affected as the type of leather used in these shoes is like the leather made by our own leather workers. This is also true in con-

nection with corduroy, which comes in from Japan. Under the favored nation clause, Mr. Chairman, Japan will have the same advantages that are given to Great Britain; in fact every country of the world will have that same advantage except Germany.

Mr. Chairman, I desire to bring up another point. While these hearings are going on, in other words, while our workers and manufacturers are testifying, negotiators and trade representatives from Great Britain and the United Kingdom who are here to negotiate a treaty are allowed to listen in and take notes. They are permitted to hear the whole story. They know our case. Yet when these discussions are had over there, our manufacturers and our workers are not allowed to sit in and hear their testimony. May I request the Members of the House to join me in asking that our manufacturers, our chambers of commerce, and our labor leaders be permitted to sit in when the British present their case. I believe we should have every fact possible in order to fight our battle. It is a very real thing. It should be nonpartisan and nonpolitical. It is a fight to save our workers from financial destruction, a fight to maintain our standard of living and of wages.

Mr. Chairman, when the Republicans were in power when I thought measures were detrimental to my district and to the country as a whole or to my section of the country I fought them just as hard as I am fighting this matter.

[Here the gavel fell.]

Mr. TERRY. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. RAYBURN].

Mr. RAYBURN. Mr. Chairman, I would not have requested this additional time had it not been that the gentlewoman from Massachusetts referred to the wool growers of my State. May I say that their representatives were in Washington and came to my office? I made an engagement for them to see Secretary Hull to talk about a trade arrangement with reference to wool. When that conference was over, one of the leaders came back to my office and told me that Secretary Hull was right. He also informed me further that they had agreed with Mr. Hull.

Mr. TERRY. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts [Mr. HEALEY].

Mr. HEALEY. Mr. Chairman, I heard part of the statement made by the gentlewoman from Massachusetts [Mrs. ROGERS] and I deplore just as much as she does competition which will in any way imperil our industries in Massachusetts and New England. It is true that a treaty has been negotiated with Czechoslovakia. I understand the total volume of shoes that will come in under that agreement amounts to about 1¼ percent of all the shoes manufactured for the American market. However, I think even that 1¼ percent, due to the fact labor is so cheap in Czechoslovakia, might have the effect of depressing the price of some of the American-made shoes.

But, Mr. Chairman, there is another and more serious side to this question which I think the gentlewoman from Massachusetts [Mrs. ROGERS] has neglected to consider, as well as some others of my colleagues. I refer to competition from the low-wage areas of our own country. The maximum competition for the boot and shoe industry is 1¼ percent from Czechoslovakia, but from other sections of this country, and I refer to the low-wage areas, we face an additional and greater competition. It is a fact that the boot and shoe industry has migrated from Massachusetts into the State of Maine, the State of Missouri, and other States where the wage levels and the working standards were less stringent than in Massachusetts.

That is the competition which has been damaging the industries of Massachusetts far more than the trade treaties. This situation has been going on for some 15 years. This migration of the textile industries and the boot and shoe industry from New England and Massachusetts started long before reciprocal-trade treaties were ever thought of. This migration has been going on into the cheaper wage areas of this country. Much of the capital that was formerly

invested in those industries in Massachusetts and New England has gone into the cheaper wage areas of this country because there they have the opportunity to exploit labor and do not have to observe the labor standards that obtain in the Commonwealth of Massachusetts.

During the time the Republicans were in power this migration of industry from Massachusetts was at its height. So far as I know, nothing was ever proposed by the party then in power to halt this migration, to halt this exodus of industry from that State.

During this very Congress a bill—the wage and hour bill—which would tend to in some measure equalize labor conditions throughout the country and result in maintaining a parity as far as minimum wages and maximum hours are concerned in all sections of the Nation, was defeated.

Mrs. ROGERS of Massachusetts. Will the gentleman yield?

Mr. HEALEY. I am sorry I cannot yield in the few minutes allotted to me.

Mrs. ROGERS of Massachusetts. The gentleman mentioned my name.

Mr. HEALEY. I did not mention the gentlewoman's name particularly. I also referred to all my colleagues who voted against this bill.

Mr. Chairman, I reiterate this bill would have remedied labor conditions all over the country.

From 1926 to 1936, most of which time the Republicans were in control, we lost 350,000 jobs from our pay rolls in the textile and the boot and shoe industries of Massachusetts. Certainly, this was not because of any trade treaties with Czechoslovakia or any other nation.

[Here the gavel fell.]

Mr. ENGEL. Mr. Chairman, I yield 3 minutes to the gentlewoman from Massachusetts [Mrs. ROGERS].

Mrs. ROGERS of Massachusetts. Mr. Chairman, may I remind the gentleman that it was under a Republican administration the child-labor amendment was passed and went to the States for ratification. House Joint Resolution 184 was introduced on February 13, 1924, by Representative Israel M. Foster, of Ohio, Republican. It passed the House on April 26, 1924; passed the Senate on June 2, 1924, and was enacted June 4, 1924 under President Coolidge. May I also remind the gentleman from Massachusetts that when the Republican Party was in power in Massachusetts it was responsible for the first and very splendid labor laws, the first such laws to be enacted in the United States, and the first to be enforced and carried on to the present time.

I know the gentleman and all the Members from Massachusetts are extremely anxious to have uniform hours of labor and high wages, but, Mr. Chairman, you and I know the wages paid in other sections of the country, no matter how low they may be, do not compare with the low wages paid in Japan, in Czechoslovakia, or in England. If the low-priced goods pour into this country it will make even more difficult the passage of a good wage and hour law.

Mr. Chairman, I did not speak of the woolen industry that is so menaced by the proposed treaty with the United Kingdom. This industry recently has been having a very difficult time, as are many others in this depression. They realize lowered duty on woolen cloth from England will close more mills.

I took up with the President, the Secretary of State, and the Committee for Reciprocity Information the matter of the proposed reciprocal-trade agreement with Australia, which is contemplated, and asked that it be negotiated and go into effect at the same time as the treaty with the United Kingdom, in order that the woolen manufacturers, as well as the wool growers, may know what the price of wool is likely to be. The woolen industry is, unfortunately, a highly speculative industry, anyway. No woolen manufacturer is going to buy his wool until he knows what will happen to the wool coming in from Australia, nor can he afford to do so. That would work a hardship on the workers and

on the wool growers also. I have talked with various wool growers and with Members of Congress who have wool growers in their districts, and they agree with me it is vitally important for them to know what will happen to the price of raw wool coming in from Australia. It is said that two-thirds of our imports of wool come from Australia.

I earnestly hope, Mr. Chairman, the Members of the House will join with me and with the Democrats, because there are Democrats like the gentleman from Pennsylvania [Mr. ALLEN], Senator DUFFY, of Wisconsin, and others, who are fighting against having the duty lowered on certain items and against having low prices frozen in our country year after year. They are fighting with us in order that our people may keep their jobs and be given more jobs in order that our people may maintain their standard of living and wages.

[Here the gavel fell.]

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read down to and including line 6 on page 1.

Mr. TERRY. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. LUTHER A. JOHNSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H. R. 9995) making appropriations for the Military Establishment for the fiscal year ending June 30, 1939, and for other purposes, had come to no resolution thereon.

EXTENSION OF REMARKS

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to extend as a part of my own remarks made in Committee a few minutes ago and include therein an editorial in the Lowell Sun regarding the reciprocal-trade agreement with the United Kingdom; also a letter from the Navy Department regarding the great importance of having airplane cloth made in this country and of keeping open the mills providing such cloth. This letter was incorporated in a statement read by H. M. Bingham to the Committee for Reciprocity Information, which was hearing testimony on textiles.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

(Mr. HANCOCK of New York asked and was given permission to extend his own remarks in the RECORD.)

Mr. MAVERICK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on two subjects.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

EXTENSION OF REMARKS

Mr. RAYBURN. Mr. Speaker, in view of the controversy on the floor this afternoon during the speech of the gentleman from New York [Mr. FISH]—and I am sorry the gentleman is not here—I ask unanimous consent to extend my remarks in the RECORD with reference to the gentleman's attitude on the Tennessee Valley Authority, and to include therein a resolution introduced by the gentleman from New York [Mr. FISH] on June 11, 1934, calling for an investigation of the T. V. A. I may say that at that time Mr. Arthur E. Morgan was a member of the board.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The resolution is as follows:

House Resolution 429

Whereas the Tennessee Valley Authority was created by an act of Congress approved May 18, 1933, to improve the navigability and to provide for the flood control of the Tennessee River; to provide

for reforestation and the proper use of marginal lands in the Tennessee Valley, and for other purposes; and

Whereas the Tennessee Valley Authority has ignored the main purposes of the act and is treating the intent of the Congress and the letter and spirit of the law as of secondary importance; and

Whereas the Tennessee Valley Authority is spending vast sums of money from the Treasury of the United States in sociological investigation and research and for the "planned social and economic development" of the Tennessee Valley, which was never contemplated by the Congress; and

Whereas the Tennessee Valley Authority has entered into direct competition with private enterprise and is actually engaged in a merchandising business to the prejudice and disadvantage of local tradesmen and investors; and

Whereas the Tennessee Valley Authority proposes to establish cooperatives and cooperative stores with the ultimate objective of controlling the industrial and agricultural activities of the Tennessee Valley; and

Whereas the Tennessee Valley Authority has employed a host of high-salaried alleged experts, technicians, consultants, social workers, and publicity agents who, together with their staffs, fill three large office buildings; and

Whereas it was originally stated by the Tennessee Valley Authority that the personnel to be employed would be taken from the Tennessee Valley, it has proceeded to fill practically every position of importance with people from other parts of the country who are socialistically inclined; and

Whereas notwithstanding the expressed terms of the act, directing the Tennessee Valley Authority to improve and cheapen the production of fertilizer for the farmers, nothing has been done to utilize existing facilities or to provide other plants; and

Whereas the Tennessee Valley Authority has shown an utter disregard of property rights and of the rights of private power companies and their stockholders by forcing them into agreements that amount to virtual confiscation; and

Whereas the Tennessee Valley Authority, without any authority of law, has squandered huge sums of Federal money in the acquisition of a town site, located 3 miles from the Norris Dam, which its publicity experts advertise as a model city but which will have no practical value or useful purpose after the completion of the dam; and

Whereas numerous complaints have been made by property owners, taxpayers, businessmen, and farmers in the vicinity, protesting against the unfair and un-American treatment and competition by the Tennessee Valley Authority and its agents through use of Government funds and subsidies; and

Whereas it is rapidly becoming apparent that the Tennessee Valley Authority is engaged in trying to destroy private industry, to eliminate the profit system, to place industry in a strait jacket, to regiment the farmers, to control business and agricultural activities in the Tennessee Valley, and to establish a socialistic form of collectivism and Government ownership: Therefore be it

Resolved, That the Speaker of the House of Representatives be, and he is hereby, authorized and directed to appoint a committee of five Members of the House, not more than three of whom shall be from the same political party, to conduct a thorough investigation of the activities of the Tennessee Valley Authority and its agents and subsidiaries, and the committee shall report the results of its investigations with recommendations at the convening of the next Congress, or as soon thereafter as practicable.

PERMISSION TO ADDRESS THE HOUSE

Mr. TERRY. Mr. Speaker, I ask unanimous consent that on Wednesday next, after the disposition of business on the Speaker's desk and following the legislative program of the day, the gentleman from Illinois [Mr. KELLER] may be permitted to address the House for 30 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

ADJOURNMENT OVER

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, is it expected we will complete the consideration of the Military Establishment appropriation bill by Tuesday?

Mr. RAYBURN. Not later than Tuesday. I may say, Mr. Speaker, in further answer to the gentleman from Massachusetts, we expect to complete the consideration of this bill on Monday and Tuesday, and on Wednesday call the calendar of committees. I presume the Speaker will recognize the chairman of the Committee on Rules to take up the resolution on the T. V. A. investigation when that is reported. It is hoped to begin the consideration of the legislative appropriation bill on Thursday.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

EXTENSION OF REMARKS

Mr. STARNES. Mr. Speaker, I ask unanimous consent that all Members who have spoken in general debate on the Military Establishment appropriation bill may have 5 legislative days in which to revise and extend their remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. STARNES. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio, Mr. HARLAN, may be permitted to revise and extend his own remarks in the RECORD and include therein the short bill to which he referred in his remarks today.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

DISTRICT OF COLUMBIA APPROPRIATION BILL, 1939

Mr. STARNES (for Mr. COLLINS) submitted a conference report and statement to accompany the bill (H. R. 9181) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1939, and for other purposes.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. KRAMER for 10 days on account of important business.

ADJOURNMENT

Mr. TERRY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 45 minutes p. m.), under its previous order, the House adjourned until Monday, March 28, 1938, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON BANKING AND CURRENCY

The Committee on Banking and Currency will continue hearings on Monday, March 28, 1938, at 10:30 a. m., on the Patman bill, H. R. 7230.

COMMITTEE ON PATENTS

On Monday, Tuesday, and Wednesday, March 28, 29, and 30, 1938, at 10 a. m., the Committee on Patents will continue hearings that began Monday, March 21, 1938, on the following measures: H. R. 9259, to provide for compulsory licensing of patents; H. R. 9815, to provide for the granting of licenses under patents brought within a single control by competitors to dominate an industry; H. R. 1666, to provide counsel for the defense and prosecution of rights of indigent patentees.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m., Tuesday, March 29, 1938. Business to be considered: Continuation of hearings on H. R. 9738—civil aeronautics.

There will be a meeting of Mr. MALONEY's subcommittee of the Committee on Interstate and Foreign Commerce at 10 a. m. Tuesday, April 5, 1938. Business to be considered: Continuation of hearing on S. 1261—through routes.

There will be a meeting of Mr. BULWINKLE's subcommittee of the Committee on Interstate and Foreign Commerce at 10 a. m. Tuesday, April 5, 1938. Business to be considered: Hearings on H. R. 9073—to extend services of the Cape Fear River.

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m. Tuesday, April 12, 1938. Business to be considered: Hearing on H. R. 9047—control of venereal diseases, and other kindred bills.

COMMITTEE ON THE DISTRICT OF COLUMBIA

The Subcommittee on Judiciary of the Committee on the District of Columbia will meet Monday, March 28, 1938, at 10:30 a. m., in room 345 House Office Building, to consider the following bills: H. R. 9684—Racing Board; H. R. 9759—penalty for assault with dangerous weapon.

COMMITTEE ON THE POST OFFICE AND POST ROADS

There will be a hearing before subcommittee No. 1 of the Committee on the Post Office and Post Roads at 10 a. m. Wednesday, April 6, 1938, on bills in behalf of custodial employees in the Postal Service. Room 213, House Office Building.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization in room 445, House Office Building, at 10:30 a. m. on Wednesday, March 30, 1938, for the public consideration of H. R. 8631—for the relief of Vincenzo Ferrero, and for the further consideration of unfinished business of the committee.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Merchant Marine and Fisheries Committee will hold hearings at 10 a. m., in room 219, House Office Building, on the following bills on the dates indicated:

Tuesday, March 29, 1938:

H. R. 9765—S. 3595. To authorize the purchase and distribution of products of the fishing industry.

Wednesday, March 30, 1938:

H. R. 8840. To amend section 6 of the act approved May 27, 1936 (49 Stat. L. 1380).

S. 1273. To adopt regulations for preventing collisions at sea.

Tuesday, April 5, 1938:

S. 2580. To amend existing laws so as to promote safety at sea by requiring the proper design, construction, maintenance, inspection, and operation of ships; to give effect to the Convention for Promoting Safety of Life at Sea, 1929; and for other purposes.

Tuesday, April 12, 1938:

H. R. 6797. To provide for the establishment, operation, and maintenance of one or more fish-cultural stations in each of the States of Oregon, Washington, and Idaho.

H. R. 8956. To provide for the conservation of the fishery resources of the Columbia River; establishment, operation, and maintenance of one or more stations in Oregon, Washington, and Idaho; and for the conduct of necessary investigations, surveys, stream improvements, and stocking operations for these purposes.

S. 2307. To provide for the conservation of the fishery resources of the Columbia River; establishment, operation, and maintenance of one or more stations in Oregon, Washington, and Idaho; and for the conduct of necessary investigations, surveys, stream improvements, and stocking operations for these purposes.

Thursday, April 14, 1938:

H. R. 8533. To amend section 4370 of the Revised Statutes of the United States (U. S. C., 1934 ed., title 46, sec. 316).

Tuesday, April 19, 1938:

H. R. 5629. To exempt motorboats less than 21 feet in length not carrying passengers for hire from the act of June 9, 1910, regulating the equipment of motorboats.

H. R. 7089. To require examinations for issuance of motorboat operators' license.

H. R. 8839. To amend laws for preventing collisions of vessels, to regulate equipment of motorboats on the navigable waters of the United States, to regulate inspection and manning of certain motorboats which are not used exclusively for pleasure and those which are not engaged exclusively in the fisheries on inland waters of the United States, and for other purposes.

COMMITTEE ON NAVAL AFFAIRS

Full open committee, Naval Affairs, meets at 10:30 a. m. Monday, April 4, 1938; continuation of consideration of H. R. 9315—to regulate the distribution, promotion, and retirement of officers on the line of the Navy, and for other purposes.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1183. A letter from the chief scout executive of the Boy Scouts of America, transmitting a copy of the Twenty-eighth Annual Report of the Boy Scouts of America (H. Doc. No. 562); to the Committee on Education and ordered to be printed, with illustrations.

1184. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated March 16, 1938, submitting a report, together with accompanying papers, on a preliminary examination of Woonasquatucket River and tributaries, Rhode Island, authorized by the Flood Control Act approved June 22, 1936; to the Committee on Flood Control.

1185. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated March 16, 1938, submitting a report, together with accompanying papers, on a preliminary examination of Hudson Creek, Pasco County, Fla., authorized by the River and Harbor Act approved August 26, 1937; to the Committee on Rivers and Harbors.

1186. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated March 15, 1938, submitting a report, together with accompanying papers, on a preliminary examination of Moshassuck River and tributaries, Rhode Island, authorized by the Flood Control Act approved June 22, 1936; to the Committee on Flood Control.

1187. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated March 16, 1938, submitting a report, together with accompanying papers, on a preliminary examination of Crow River, Minn., authorized by the Flood Control Act approved June 22, 1936; to the Committee on Flood Control.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. McGEHEE: Committee on the District of Columbia. H. R. 9227. A bill to amend an act entitled "An act to authorize boxing in the District of Columbia, and for other purposes"; with amendment (Rept. No. 2004). Referred to the Committee of the Whole House on the state of the Union.

Mr. McGEHEE: Committee on the District of Columbia. S. 711. An act to amend an act entitled "An act to establish a Code of Law for the District of Columbia," approved March 3, 1901, as amended, and particularly sections 863, 911, and 914 of the said code; with amendment (Rept. No. 2005). Referred to the House Calendar.

Mr. SIROVICH: Committee on Patents. House Joint Resolution 447. Joint resolution to protect the copyrights and patents of foreign exhibitors at the Pacific Mercade International Exposition, to be held at Los Angeles, Calif., in 1940; with amendment (Rept. No. 2006). Referred to the Committee of the Whole House on the state of the Union.

Mr. LANHAM: Committee on Patents. S. 477. An act to prevent fraud, deception, or other improper practice in connection with business before the United States Patent Office, and for other purposes; with amendment (Rept. No. 2007). Referred to the House Calendar.

Mr. LANHAM: Committee on Patents. H. R. 9996. A bill to authorize the registration of certain collective trademarks; with amendment (Rept. No. 2008). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS.

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WALLGREN: A bill (H. R. 10024) to establish the Olympic National Park, in the State of Washington, and for other purposes; to the Committee on the Public Lands.

By Mr. IZAC: A bill (H. R. 10025) to authorize a preliminary examination and survey of Santa Marguerita River and its tributaries in the State of California for flood control, for run-off and water-flow retardation, and for soil-erosion prevention; to the Committee on Flood Control.

By Mr. MERRITT: A bill (H. R. 10026) to authorize co-operation between the United States and the State of New York in the protection of the public interest and welfare inherent in certain forest lands in said State through provision for the acquisition and management of said lands; to the Committee on Agriculture.

By Mr. MANSFIELD: A bill (H. R. 10027) to provide for the regional conservation and development of the national resources, and for other purposes; to the Committee on Rivers and Harbors.

By Mr. PALMISANO (by request): A bill (H. R. 10028) to provide for insurance rates against loss by fire and lightning, and for other purposes; to the Committee on the District of Columbia.

By Mr. SIROVICH: A bill (H. R. 10029) providing for a surgeon and ship hospital on vessels; to the Committee on Merchant Marine and Fisheries.

Also, a bill (H. R. 10030) relative to limitation of ship-owners' liability; to the Committee on Merchant Marine and Fisheries.

By Mr. GREEN: A bill (H. R. 10031) to authorize the acquisition of lands in the vicinity of Jacksonville, Fla., as a site for a naval air station and to authorize the construction and installation of a naval air station thereon; to the Committee on Naval Affairs.

Also, a bill (H. R. 10032) to provide for the establishment of a navy yard at Jacksonville, Fla., to the Committee on Naval Affairs.

By Mr. ENGLEBRIGHT: A bill (H. R. 10033) to authorize a preliminary examination and survey of Deer Creek and the watersheds thereof in the county of Tehama, in the State of California, for flood control, for run-off and water-flow retardation, and for soil-erosion prevention; to the Committee on Flood Control.

By Mr. CASE of South Dakota: A bill (H. R. 10034) to make Members and former Members of Congress ineligible for appointment to certain offices; to the Committee on the Judiciary.

By Mr. ROBERTSON: Joint resolution (H. J. Res. 631) to provide for the erection of a monument to the memory of Gen. Peter Gabriel Muhlenberg; to the Committee on the Library.

By Mr. FORD of California: Joint resolution (H. J. Res. 632) providing for the participation of the United States in the international trade exposition to be known as Pacific Mercado, to be held in the city of Los Angeles, Calif., commencing in the year 1940, and in the world's fair to be held in connection therewith in the year 1942, commemorating the landing of Cabrillo, and for other purposes; to the Committee on Foreign Affairs.

By Mr. COLLINS: Concurrent resolution (H. Con. Res. 45) providing for an investigation of the Tennessee Valley Authority; to the Committee on Rules.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of California, memorializing the President and the Congress of the United States relative to the tariff on tungsten and tungsten products; to the Committee on Mines and Mining.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BACON: A bill (H. R. 10035) to amend the act approved June 13, 1934, conferring jurisdiction upon the Court of Claims of the United States to hear, consider, and render judgment on certain claims of George A. Carden and Anderson T. Herd against the United States; to the Committee on Claims.

By Mr. FLAHERTY: A bill (H. R. 10036) for the relief of Albert Mathieson; to the Committee on Naval Affairs.

By Mr. GREGORY: A bill (H. R. 10037) granting a pension to Mary Jones; to the Committee on Pensions.

By Mr. HARTER: A bill (H. R. 10038) to provide for the appointment of Cloran D. Riggle, Akron, Ohio, as a captain, Judge Advocate General's Department, United States Army; to the Committee on Military Affairs.

By Mr. LUTHER A. JOHNSON: A bill (H. R. 10039) granting a pension to Emma Sears Ferguson; to the Committee on Invalid Pensions.

By Mr. LANZETTA: A bill (H. R. 10040) to authorize the presentation of a Distinguished Service Cross to Quintin Serrano; to the Committee on Military Affairs.

By Mr. MAVERICK: A bill (H. R. 10041) for the relief of Virgil Kuehl, a minor; to the Committee on Claims.

Also, a bill (H. R. 10042) for the relief of William G. Schmid; to the Committee on Claims.

By Mrs. NORTON: A bill (H. R. 10043) for the relief of certain carpenters whose tools were destroyed by fire while stored in a Works Progress Administration warehouse in Jersey City, N. J.; to the Committee on Claims.

By Mr. SCHULTE: A bill (H. R. 10044) for the relief of John A. Barr; to the Committee on Claims.

By Mr. SNELL: A bill (H. R. 10045) granting an increase of pension to Maria A. Chandler; to the Committee on Invalid Pensions.

By Mr. SOMERS of New York: A bill (H. R. 10046) granting an increase of pension to Elizabeth Fairfax Ayres; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4633. By Mr. COFFEE of Washington: Resolution of the Salmon Purse Seiners' Union No. 3, of Everett, Wash., N. E. Mason, secretary, urging the passage of House bill 4199, the General Welfare Act, and also the passage of Congressman O'CONNELL's House Joint Resolution 527, the peace bill, providing for distinction between the aggressor and victim and forbidding exportation of war materials to the aggressor; protesting against the passage of the Hill-Sheppard bill (May bill), and protesting against the undemocratic conduct of a number of Senators in filibustering against the antilynching bill, thereby sabotaging democracy; to the Committee on Ways and Means.

4634. Also, resolution of the Salmon Purse Seiners' Union, No. 3, of Everett, Wash., N. E. Mason, secretary, urging passage of the Coffee fine arts bill (H. R. 9102), proposing the establishment of a permanent Bureau of Fine Arts and a suitable machinery for its administration throughout the Nation; to the Committee on Education.

4635. By Mr. CURLEY: Petition of the Finished Laundry, Inc., Bronx, New York City, opposing the tax of 1 cent on fuel oil; to the Committee on Ways and Means.

4636. Also, petition of the New York County Lawyers' Association, New York City, N. Y., opposing Senate Joint Resolution 134, which seeks to amend the Constitution in relation to the procedure of proposing and ratifying amendments to the Constitution by providing for the adoption of constitutional amendments by popular vote; to the Committee on the Judiciary.

4637. By Mr. LUTHER A. JOHNSON: Memorial of Hon. C. G. Haley, Centerville, Tex., favoring amendment of the

Wagner-Peyser Act, in order for the United States Employment Service to be in a position to request adequate appropriations to enable it to supervise State employment offices, and to operate the Veterans' Placement Service and the Farm Placement Service; to the Committee on Labor.

4638. By Mr. KEOGH: Petition of the Independent Theatre Owners Association, New York City, concerning the Neely-Pettengill bill (S. 153); to the Committee on Interstate and Foreign Commerce.

4639. Also, petition of the Chamber of Commerce of the State of New York, concerning Federal Government reorganization; to the Committee on Government Organization.

4640. Also, petition of P. Pastene & Co., Inc., New York City, concerning the Federal reorganization legislation; to the Committee on Government Organization.

4641. By Mr. LAMNECK: Petition of Charles E. Reed president, Columbus Safety Division of F. C. U., 16 engine house, Columbus, Ohio, urging the defeat of House bill 7265, providing for the transfer of all supervision and examination of credit unions in the District of Columbia to the Farm Credit Administration; to the Committee on the District of Columbia.

4642. By Mr. PFEIFER: Petition of P. Pastene & Co., Inc., New York City, concerning the Government reorganization bill; to the Committee on Government Organization.

4643. Also, petition of the Educators Association, Inc., New York City, concerning the Government reorganization bill; to the Committee on Government Organization.

4644. Also, petition of the Chamber of Commerce of the State of New York, New York City, concerning the Federal Government reorganization bill; to the Committee on Government Organization.

4645. Also, petition of the Independent Theater Owners Association, Inc., New York City, concerning the Neely-Pettengill bill (S. 153); to the Committee on Interstate and Foreign Commerce.

4646. By the SPEAKER: Petition pledging the support of the Eastern Pennsylvania Student Peace Conference to a program which will make the United States a genuine and active force for peace; to the Committee on Military Affairs.

4647. Also, petition from the American Library Association, endorsing the report of the Advisory Committee on Education; to the Committee on Education.

4648. Also, petition from the city of Lansing, Mich., protesting against any amendment to the Works Progress Administration appropriation; to the Committee on Appropriations.

4649. Also, petition from the Lithuanians of New Jersey, protesting against the enslaving of Lithuanians; to the Committee on Foreign Affairs.

4650. By Mr. HART: Petition of the One Hundred and Sixty-second Legislature of the State of New Jersey, House of Assembly, Trenton, N. J., favoring reduction of the interest rate on mortgages held by the Home Owners' Loan Corporation from 5 percent to 3 or 3½ percent and to extend the amortization period for said mortgages from 15 years to 20 or 25 years; to the Committee on Banking and Currency.

4651. Also, petition of Lithuanian citizens of the State of New Jersey, concerning the recent international events, especially the Polish-Lithuanian developments; to the Committee on Foreign Affairs.

SENATE

MONDAY, MARCH 28, 1938

(Legislative day of Wednesday, January 5, 1938)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Friday, March 25, 1938, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. LEWIS. Mr. President, it is apparent that there is an absence of a quorum. I suggest such absence, and ask that the roll be called.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Connally	Hughes	O'Mahoney
Andrews	Copeland	Johnson, Calif.	Overton
Ashurst	Davis	Johnson, Colo.	Pittman
Austin	Dieterich	King	Pope
Bailey	Donahey	La Follette	Radcliffe
Bankhead	Duffy	Lee	Reames
Barkley	Ellender	Lewis	Reynolds
Berry	Frazier	Lodge	Russell
Bilbo	George	Logan	Schwartz
Bone	Gerry	Loneragan	Schwellenbach
Borah	Gibson	Lundeen	Sheppard
Bridges	Gillette	McAdoo	Shipstead
Brown, Mich.	Glass	McGill	Smathers
Brown, N. H.	Green	McKellar	Smith
Bulkeley	Guffey	McNary	Thomas, Okla.
Bulow	Hale	Maloney	Thomas, Utah
Burke	Harrison	Miller	Townsend
Byrd	Hatch	Milton	Truman
Byrnes	Hayden	Minton	Tydings
Capper	Herring	Murray	Vandenberg
Caraway	Hill	Neely	Wagner
Chavez	Hitchcock	Norris	Walsh
Clark	Holt	Nye	Wheeler

Mr. LEWIS. I announce that the Senator from Florida [Mr. PEPPER] and the Senator from Indiana [Mr. VAN NUYS] are detained from the Senate on important public business.

The Senator from Nevada [Mr. McCARRAN] is detained in his State on official business.

The VICE PRESIDENT. Ninety-two Senators have answered to their names. A quorum is present.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries, who also announced that the President had approved and signed the following acts:

On March 21, 1938:

S. 1077. An act to amend the act creating the Federal Trade Commission, to define its powers and duties, and for other purposes.

On March 26, 1938:

S. 975. An act to amend the act approved February 7, 1913, so as to remove restrictions as to the use of the Little Rock Confederate Cemetery, and for other purposes;

S. 1986. An act to amend section 42 of title 7 of the Canal Zone Code and section 41 of the act entitled "An act to provide a civil government for Porto Rico, and for other purposes," approved March 2, 1917, as amended (U. S. C., 1934 ed., title 48, sec. 893);

S. 2963. An act authorizing the Superintendent of the United States Naval Academy, Annapolis, Md., to accept gifts and bequests of money for the purpose of erecting a building on land now owned by the United States Government at the Naval Academy, and for other purposes;

S. 3554. An act authorizing the appointment of an additional judge of the District Court for the Northern District of Alabama; and

S. 3655. An act amending section 312 of the Agricultural Adjustment Act of 1938.

PARTICIPATION BY UNITED STATES IN FOURTH INTERNATIONAL CONFERENCE ON PRIVATE AIR LAW

The VICE PRESIDENT laid before the Senate a message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, as follows:

To the Congress of the United States:

I commend to the favorable consideration of the Congress the enclosed report from the Secretary of State to the end that legislation may be enacted authorizing an appropriation of the sum of \$15,500, or so much thereof as may be necessary, for the expenses of participation by the United